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ANNOUNCEMENTS

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, May 16, 1991, at 10 a.m.

Adopted.

LATE SESSION

HB 54, establishing a committee to study the laws regarding children in need of services.

HB 173-FN, establishing a committee to study certain provisions of RSA 154 relative to powers and duties of firewards.

HB 212-FN, an act relative to black bear hunting licenses.

HB 348, relative to the municipal records board.

HB 608-FN, relative to the law enforcement authority of forest rangers and officials of the division of forest and lands.

HB 613, an act relative to the procedures of the certificate of need board.

HB 619-FN, relative to central business districts and the community development finance authority.

HB 733-FN, an act establishing a study committee to study public assistance.

Senator Delahunty moved that the Senate now adjourn from the late session and that when we adjourn, we adjourn until Thursday, May 16, 1991, at 10 a.m.

Adopted.

Adjournment.

May 16, 1991

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray. Lord, time seems to be moving along fast! We face a long hard day today, trying to pull things together which should

have been done before. God Bless you all as you struggle with your deliberations and have a restful and peaceful night. See you Tuesday. Amen.

Senator Russman led the Pledge of Allegiance.

HOUSE CONCURS WITH SENATE AMENDMENTS

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 224-FN, relative to new motor vehicle arbitration.

HB 245, prohibiting pre-season baiting.

HB 447, relative to bulk commodities.

HB 604, granting rulemaking authority to the division of waste management relative to special waste and defining special waste.

HB 617-FN, relative to fishing permits for certain head-injured persons.

HB 620-FN, relative to the transportation of alcohol in open containers.

SENATE REFUSES TO CONCUR WITH HOUSE AMENDMENT

REQUEST COMMITTEE OF CONFERENCE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 22, relative to changes in reimbursement requirements for psychologists.

Senator Delahunty moved nonconcurrence and requested a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Delahunty, Fraser, St. Jean.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 97, relative to administrative rules and state mandates.

Senator Currier moved nonconcurrence and requested a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, J. King, Heath.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 180-FN, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals.

Senator Roberge moved nonconcurrence and requested a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, W. King, Delahunty.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 210-FN, relative to drugged driving and making an appropriation therefor.

Senator Podles moved nonconcurrence and requested a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Podles, Fraser, Hollingworth.

SENATE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled Bill sent down from the Senate:

HB 607, permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts.

Senator Delahunty moved to accede.

Adopted.

The Senate President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Delahunty, Bass, Blaisdell.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Hawkins, Robert Turner, David Dow, Theresa Drabinowicz.

SENATE CONCURS WITH HOUSE AMENDMENT

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 37, relative to amending provisions of the voluntary corporation statute.

Senator Podles moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 61-FN, relative to speedy payments for the care of children in foster homes.

Senator J. King moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 85-FN, relative to women's sports.

Senator Bass moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 115-FN, relative to livestock.

Senator Bass moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 125-FN, relative to child abuse and neglect proceedings.

Senator J. King moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 140-FN, establishing a committee to study rate setting for certain services, placements, and programs.

Senator J. King moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 165-FN, relative to permit fees for excavating and dredging permits.

Senator W. King moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 189-FN, allowing raffles to be conducted at the same place as bingo games.

Senator McLane moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 225-FN, relative to the higher educational building corporation and loan eligibility.

Senator Disnard moved concurrence.

Adopted.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 283-FN, an act establishing a study committee on the problems of New Hampshire banks and financial institutions. Banks committee. Ought To Pass With Amendment. Senator Fraser for the committee.

SENATOR FRASER: Mr. President, this bill was going to be reported out as Inexpedient to Legislate, but in the meantime, Senator Hollingworth had brought to the attention of the Banking Committee a rather unique situation where a mortgage broker is required to report to the Banking Commission on his earnings for the previous year. In this particular case the broker had written to the Banking Commissioner telling him that he had not earned any money in the previous year, number one; and secondly, he was going to surrender his license. Apparently what in effect happened was that he didn't complete the correct form and before he knew it, he had a bill for \$975 which was equated to a 25 day filing penalty for not having complied with the law. All this bill does is amend the current law so in the event that there is no money earned in the previous year that you've reported, that you're not subject to these penalties and I urge the passage of this amendment. It is a good bill.

Amendment to HB 283-FN

Amend the title of the bill by replacing it with the following:

AN ACT

exempting certain mortgage brokers from penalties
for failure to file annual reports.

Amend the bill by replacing all after the enacting clause with the following:

1 Penalty for Failure to File Annual Report; Mortgage Broker. Amend RSA 397-A:13, III to read as follows:

III. Any licensee failing to file the report required by this section within the time prescribed shall pay to the banking department a penalty of \$25 for each calendar day the report is overdue. If a licensee elects to file a composite report and the composite report is not filed on or before February 1 as required in this section, the penalty prescribed in this section shall apply separately for each license and branch license so violating. **The penalties prescribed by this paragraph shall not apply to mortgage brokers licensed under this chapter who earned no money as mortgage brokers during the preceding year and who indicate such in writing to the banking department on or before February 1.**

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill exempts a mortgage broker from penalties for failure to file an annual report if he earned no money as a mortgage broker during the preceding year and indicates such in writing to the banking department on or before February 1.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

Senator Delahunty in the Chair.

HB 648-FN, an act relative to the industrial development authority and the housing finance authority. Economic Development committee. Ought To Pass With Amendment. Senator Dupont for the committee.

PRESIDENT DUPONT: It is a pleasure to join my colleagues on the floor, and I say that because being Senate President, I've come to, again, treasure the time I spent as Majority Leader. I want to start off first by saying that I think that the Economic Development Committee that we established early on in the session has served a very, very important purpose. I think all of us that have sat through the hearings and participated in the committee have come to recognize that New Hampshire is a special place, but New Hampshire also has special problems at this point in time as it moves forward to make determinations about its own future. As part of the work of the committee, one of the things that we hoped we would have been able to do, is put together a plan for dealing with New Hampshire's

economic future. Obviously, because of the work of the session, I think most of us feel that we haven't gotten quite as far as we would have liked to have gone; however, we have felt that we have accomplished a lot. What you have today before you, is a bill that was sent to us from the House in which we have amended out all after the enacting clause. In its place is established a New Hampshire Economic Development Commission. I think that one of the most important parts of this bill is, in fact, the declaration of purpose. In the bill you will see that we set up a fairly large commission, which I think is necessary to try and reach that broad cross-section of individuals we're trying to reach to help us get New Hampshire back on course. You will also notice in the bill that it is going to be chaired by the Governor, the Speaker, and the Senate President in an attempt to send a message to the people of the state that the leaders in this State House are serious about economic development, that they recognize the problems that our state faces today and are willing to roll their sleeves up to help contribute to a solution. We brought an amendment in yesterday and I would just like to add that there was only one Senator on it originally. I indicated to Senator Disnard that, in fact, I felt that this had to be a bipartisan effort. We have put a provision in the bill that would allow for the appointment of two Senators. I told George that he didn't have to worry, that my appointment would have been a Democrat, but I think that we have made the committee a little bit better. It is, again, an opportunity, I think, for us to steer the course for the next 10 years or 20 years, recognizing that we do have problems in the state of New Hampshire today. This is not an attempt by us to undermine any of the efforts of what the Senate has done so far, what the House has done so far, or what the Executive branch has done. It is an effort to deal with policy rather than the programs that we have always dealt with in this body, to look at infrastructure issues and other issues that are going to affect the environment that we create for business in the state. And I think that that is the important thing. If there is one thing that government can do, it can create an environment for growth and opportunity and I hope that as we move down this road of addressing economic development in New Hampshire, that we will all remember that government can't create economic opportunity in the private sector. The best thing that it can do is to create an environment that allows the private sector that entrepreneurial spirit that New Hampshire has always had to create an environment that allows that to exist. Well, Mr. President, I urge my colleagues to adopt this. I'm not a big fan of commissions or study committees, but I think clearly at this point in time, our state deserves extraordinary effort by us and I think this bill certainly puts in place a structure that will allow us to move forward.

SENATOR W. KING: I rise in support of the bill and I want to compliment Senator Dupont and all those who worked on this bill. This is an approach that has been taken by about 30 other states throughout the country. If you look at the states in which this approach is taken you will see, in terms of their ranking for economic competitiveness, that those who use this approach are doing quite well in that area. We often hear it said that government should be operated more like a business. Well, businesses routinely do strategic economic planning. They assess their strengths and their weaknesses, and they assess what are the threats and the opportunities that will arise from changes that are occurring in the marketplace. I think that the government should follow suit in that area and that we ought to be doing that as well. The State of New Hampshire is competing for jobs and capital in a rapidly changing global marketplace and we are going to have to be able to compete, not only against 49 other states, but other countries as well. And the states that position themselves to manage the risks and to seize the opportunities that are available to us are the ones who are going to meet the challenges of this coming decade. Let me give you a couple of quick examples. If New England had paid closer attention to the changes in the computer industry, some of the effects of this recession could have been foreseen and forestalled. In the area of real estate, housing prices signaled the hollowness of the real estate boom, but no one watched the ball and we struck out. Strategic economic planning will allow us to deal with the changes in the marketplace. This is not a quick fix or a jump start that we often hear about for the economy; this is a beginning of a long term approach to strengthening New Hampshire's competitive advantage, and positioning ourselves for balanced growth and sustained prosperity in the future. Good public policy means fostering conditions that are favorable to expansion and profitability of private enterprise to ensure growth of employment and wealth, and a higher standard of living and quality of life. I urge the support of my colleagues.

SENATOR HEATH: Senator Dupont, in section 7 you have the authority under this to solicit and accept donations?

PRESIDENT DUPONT: Yes.

SENATOR HEATH: And under section 8 it says that you may contract for services as needed and so on. My question is, aside from legislative mileage and the involvement of an agency that has secretarial types of services, is there no appropriation? I mean are you doing this just through donations, contributions?

PRESIDENT DUPONT: Senator, one of the things that I have had the privilege of doing during the last few months is talking with the

business community. I have made an effort to try and get out and address as many business groups as I can. One of the things that has come through loud and clear, is that they, too, believe we need to make some changes. There have been commitments made that if we were going to do something similar to this that the private sector would be willing to provide the funding to do so. Staff? I'm not sure at this point in time, until the committee organizes, what staff would be needed. I think that perhaps they may need the services of an economist at some point in time. They may need the service of somebody to do some economic trending. I just felt that we ought to have the opportunity to provide an environment that could contribute. It would be all private money, no state money.

SENATOR HEATH: Okay, it's all private money. You may also then get the loan of financial people or business people from companies?

PRESIDENT DUPONT: There is no question, and I think there is a real strong commitment out there to do that. They get tired of hearing us say that we don't have the resources, so if that's the hurdle, they basically said that they will provide the resources.

SENATOR HEATH: So we're not looking at the potential to do a two thrust kind of study on the state general fund?

PRESIDENT DUPONT: No, most definitely not, Senator. In fact, I think there is a significant resource that exists within state government that we can use their resources to just give us a hand in the minor areas where we might need their assistance.

Amendment to HB 648-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing the New Hampshire economic
development commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose.

I. The general court finds that a paramount responsibility of government is to foster conditions favorable to the creation of employment and wealth to ensure the people of New Hampshire security and opportunity to enjoy the highest possible standard of living and quality of life. The general court further finds that government can contribute to strengthening and enhancing conditions which favor productivity and profitability of private enterprise and encourage and nurture the growth and success of the entrepreneurial spirit.

II. The general court finds that the fiscal strength and stability of the state and its political subdivisions depend on the power and prosperity of its economy.

III. The general court finds that the economic recession underway in the state of New Hampshire threatens the fiscal stability of the state and the general prosperity of its citizens. The general court finds that public policies to promote and manage the economic development of the state are required to mitigate the impact of the recession and to hasten the recovery of the economy.

IV. The general court finds that consistently pursuing sound economic development policies will empower state government to monitor and manage the impact of public policy on the economy and to promote and support balanced and sustained economic growth in the future.

V. The general court recognizes that the pursuit of appropriate and effective economic development policies will require the preparation of a comprehensive strategic plan for the long-term economic development of the state. The general court further recognizes that the preparation of this strategic plan should be undertaken by a public/private partnership, enabled to draw on all the resources of both the public and private sectors necessary to fulfill its purpose.

VI. The general court intends that this strategic plan shall consider all aspects of public policy which bear on the performance and condition of the economy, including, but not limited to, the physical infrastructure; statutory and regulatory framework; secondary, postsecondary, vocational and higher educational systems; human resources; fiscal structure; information network; natural resource management and economic development programs of the state.

2 New Hampshire Economic Development Commission Established; Membership; Quorum.

I. There is hereby established the New Hampshire Economic Development Commission which shall consist of the following members who shall all be voting members:

(a) The governor, president of the senate and speaker of the house who shall serve as chairmen of the commission.

(b) Two members of the senate, one from each party, appointed by the president of the senate.

(c) Two members of the house of representatives, one from each party, appointed by the speaker of the house.

(d) Eight public members appointed by the governor.

(e) Eight public members appointed by the president of the senate.

(f) Eight public members appointed by the speaker of the house.

II. The public members of the commission shall be selected from a broad range of interests including, but not limited to, the following: banking, insurance, utilities, manufacturing, wholesale and retail trade, telecommunications, law, accounting, securities, medicine, secondary and higher education, public administration, environment, construction and real estate, tourism, agriculture, high technologies and nonprofit entities.

III. A quorum of the commission shall consist of 18 voting members. Any action of the commission shall be by majority vote at a meeting at which a quorum is present.

IV. If a vacancy shall occur by death, resignation, or otherwise among those appointed as members of the commission, the vacancy shall be filled by the original appointing authority.

3 Conflict of Interest Prohibited. A member of the commission shall not use his office for personal gain or act in manner to place a private interest in conflict with the public interest. A member shall abstain from voting on matters in which he has a financial interest, whether personally or through a spouse or dependent. If in doubt, he may submit a written request for advice to the attorney general, who shall make a ruling as to whether he may vote on a matter.

4 Council on Economic Development. The commission may seek advice and counsel from the state government council on economic development, established by the governor, which is composed of representatives of the following agencies: department of resources and economic development, department of employment security, department of postsecondary technical education, department of revenue administration, department of labor, department of environmental services, office of state planning, industrial development authority, secretary of state, New Hampshire Small Business Development Center, New Hampshire Port Authority, New Hampshire Job Training Council and the State Occupational Information Coordinating Committee of New Hampshire.

5 Duties and Responsibilities; Reports. The commission shall study and review all aspects of public policy affecting the long-term economic development of the state of New Hampshire. The commission shall prepare a long-term strategic plan for economic development which shall include recommendations for necessary legislative and regulatory action. The commission shall submit an interim report of its findings and recommendations to the governor and general court no later than December 1, 1991. The long-term strategic plan shall be completed no later than June 30, 1992, and submitted to the governor and general court at that time.

6 Executive Committee. There shall be a 6-person executive committee of the commission which shall consist of the chairmen and the 3 public members first appointed by the appointing authorities. The executive committee may take any and all action between meetings of the commission. Four members of the executive committee shall constitute a quorum. Any actions of the executive committee shall be by majority vote at a meeting at which a quorum is present.

7 Authority to Solicit and Accept Donations and Grants. The commission may solicit and accept donations and grants from the private sector to fund the activities of the commission. The funds shall be maintained in a segregated account in the office of the treasurer of the state and shall be expended upon the authority of the executive committee.

8 Staff. The executive committee may appoint staff as necessary and may contract for services as needed upon such terms and conditions as it shall determine, provided, however, that the salary and benefits of staff and the terms and conditions of contracts shall not be a charge against the general fund, but funded exclusively from the donations accepted pursuant to section 7 of this act. The office of legislative services shall provide such technical, legal and support services as the executive committee shall determine.

9 Compensation. The members of the commission shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire economic development commission which shall study all aspects of public policy affecting the long-term economic development of the state of New Hampshire. The commission is to prepare a long-term strategic plan for economic development.

The commission shall submit an interim report to the governor and general court no later than December 1, 1991, and its final plan shall be completed no later than June 30, 1992.

Amendment Adopted.

Ordered To Third Reading.

HB 142-FN, an act relative to school district budgets. Education committee. Ought To Pass With Amendment. Senator Disnard for the committee.

SENATOR DISNARD: This bill will allow a school district such as Concord, or a school district that is the only school district in a SAU,

to include in its budget, in its regular budget, the amount of money for the operation of the SAU's. They have been doing this anyway. This just approves it. However, there is another section of this bill, which the Senators from the two communities involved, Tilton and Northfield, on page 9, which disallows Tilton and Northfield to be entitled to the same rules and regulations as other school districts. It seems that in 1927 they were excluded for some reason. They all agreed and they had a meeting in their community and it's just that if they wish to discuss their formula at a district meeting they may. There was an agreement among all the communities, as I understand it. It is a good, fair bill.

Amendment to HB 142-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to school district budgets and to the Tilton
and Northfield Union school district.

Amend the bill by replacing section 2 with the following:

2 Costs of Capital Outlay and Operation for Tilton and Northfield Union School District.

I. Notwithstanding any provision of 1927, 211 to the contrary, all capital outlay costs and operational costs of the Tilton and Northfield Union school district shall be paid according to the provisions of RSA 195:7 and 195:8.

II. The provisions of this act shall take effect upon the act's effective date, and shall apply for the annual meeting of the Winnisquam cooperative school district held in 1992.

3 Repeal. 1988, 72, relative to allocation of education funds in the Tilton and Northfield Union school district, is repealed.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill exempts school administrative units that comprise only one school district from the school administrative unit budget procedures. The budget for such a unit is to be included in the school district budget which is subject to the vote of the annual school district meeting.

The bill also changes the method for determining how education costs shall be funded in the Tilton and Northfield Union school district.

Amendment Adopted.

Ordered To Third Reading.

HB 341-FN, an act relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula. Education committee. Ought To Pass With Amendment. Senator J. King for the committee.

SENATOR J. KING: What has happened here is SB 213 that passed is a study committee and the House had one, HB 341. We got together and made one committee and this is the result of the efforts there. It also corrects some of the mistakes in the present formula, especially in two towns, Columbia and Straftord. And those will be corrected with this. They were getting paid more than they should have. So that will take care of that. I recommend its passage.

Amendment to HB 341-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Committee on Foundation Aid Formula Established. There is hereby established a committee to study the effectiveness of the foundation aid formula. The committee shall consist of the following members:

I. Two members of the senate education committee, appointed by the president of the senate.

II. Two members of the house education committee, appointed by the speaker of the house.

III. Three local leaders or their designees from the local areas currently receiving the highest amount of aid, which would be a superintendent from Berlin, a school board member from Rochester and the head of government from the Town of Winchester or his designee.

IV. Three local leaders or their designees, from local areas currently receiving limited or no funds from the foundation aid distribution namely the superintendent of Nashua, a school board member from Conway and the head of government of Salem or his designee.

V. One member appointed by the governor.

VI. The commissioner of education or his designee.

2 Meetings; Compensation. The members shall choose a chairperson from among the committee. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee. The department of education shall provide administrative services as requested by the committee. The first house appointed member shall call the first meeting prior to July 15, 1991.

3 Report. The committee shall make a report evaluating the present sweepstakes distribution formula and submit its recommendations for improvements or changes in the current formula to the governor, the speaker of the house and the senate president, on or before November 1, 1991.

4 New Paragraph; Maximum Equalization Factor Established. Amend RSA 198:29 by inserting after paragraph II the following new paragraph:

II-a. Beginning with distribution for fiscal year 1992 in no case shall a district's equalization factor, as determined in paragraph II, be greater than 9. This provision shall not take effect in the Stratford school district until the 1993 distribution. The 1992 fiscal year distribution of foundation aid to the Columbia school district shall be limited to \$597,166, which is \$35,000 less than the \$632,166 appropriated due to the amount deducted from a trust fund.

5 Effective Date.

I. Section 4 of this bill shall take effect on July 1, 1991.

II. The remainder of this bill shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness of the foundation aid formula and to propose modifications. The committee shall submit its report to the governor, the executive council, the speaker of the house, the president of the senate, and to the chairpersons of the education committees of the house and senate on or before November 1, 1991.

This bill also establishes a maximum value for the equalization factor in the foundation aid formula.

Amendment Adopted.

Ordered To Third Reading.

HB 462, an act relative to special education hearing officers. Education committee. Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: This allows individuals acting as special education hearing officers to compel or subpoena witnesses and the Senate amendment on page 10 simply allows the parents to require the hearing officer to subpoena their witnesses if they're acting pro se, and I would urge your passage.

Amendment to HB 462

Amend the bill by replacing section 1 with the following:

1 New Section; Special Education Hearing Officers. Amend RSA 186-C by inserting after section 16 the following new section:

129186-C:16-a Special Education Hearing Officers. Hearing officers appointed by the department of education to hear special education impartial due process appeals shall have the authority to compel the attendance of witnesses in accordance with RSA 516:1 including issuing subpoenas for parents who are representing themselves. Any costs incurred in issuing a subpoena shall be the responsibility of the party requesting the subpoena, unless otherwise determined by the hearing officer. The state board of education may adopt rules pursuant to RSA 541-A to implement the provisions of this section. Nothing in this section shall prohibit any justice from issuing a subpoena for such hearing in accordance with RSA 516:3.

AMENDED ANALYSIS

This bill authorizes individuals acting as special education hearing officers to compel the attendance of witnesses, including issuing subpoenas for parents who are representing themselves.

Any costs incurred in issuing the subpoenas shall be the responsibility of the party requesting the subpoena unless otherwise determined by the hearing office.

Amendment Adopted.

Ordered To Third Reading.

HB 563-FN, an act relative to the creation of trust funds and relative to unanticipated school funds. Education committee. Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: This allows a school, essentially, to do what towns have done for some time, to set up trust funds. The Senate amendment allows them to do it for retirement and I believe for insurance purposes, as well as unanticipated funds.

Amendment to HB 563-FN

Amend RSA 198:20-c as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. A trust fund created under the provisions of this section that is established for the purpose of maintaining health insurance funds for the benefit of employees and retired employees of any school district shall be exempt from the provisions of paragraph II. The school district may establish a trust naming its own trustees who may expend any funds in the trust for the payment of health claims or health insurance premiums for the benefit of any employees or retired employees of the school district. An annual accounting and report of the activities of the trust shall be presented to the school board of the district and published in the annual report.

AMENDED ANALYSIS

This bill allows any school board which desires to spend excess moneys from any source which have become available during a fiscal year to do so, with certain restrictions, under the school board's own authority once a one-time article authorizing such action has been adopted at an annual school district meeting.

This bill permits the creation of trust funds by school districts. Such trust funds shall be expendable for the purpose of maintenance and operation of schools and for any other public purpose compatible with the objectives of the organization of such school districts, including the payment of health claims or health insurance premiums.

Amendment Adopted.

Ordered To Third Reading.

HB 104-FN, an act relative to a public water rights report and advisory committee. Environment committee. Ought To Pass With Amendment. Senator W. King for the committee.

SENATOR W. KING: SB 104 reenacts the existing Water Rights Committee that is taking a look at water usage in all of our water bodies in the State of New Hampshire. It also has in it some language that deals with the Attorney General's opinion from last year, actually nearly two years ago now, relative to public rights to water and it allows current users who adopt a cap on their use that is the equivalent of a one year period in the last three years to be immune from any prosecution by the Attorney General until the study committee has completed its mission. We urge your passage.

SENATOR HEATH: I had a call of concern and I wanted to pass this question on because certainly my support of this legislation hinges on this. A water district called that had just really begun and it has a large potential for long-term future growth, so its cap would get very low and it just made this huge investment in a long-term situation. How do you answer that kind of problem?

SENATOR W. KING: Senator Heath, this was a question that came up during both subcommittee meetings and the committee meetings. What about new business growth? What about businesses that just can't possibly live within the cap? What we did was we found an agreement that allowed those who were new businesses and those who could not live with a cap to continue use as they do, but they just don't get immunity from the AG's Office. As a practical matter the AG isn't going to be able to enforce anything but the most serious infringements on public rights in the waters, so this will not infringe on business growth. There will be no problem with financ-

ing because there is a mechanism by which a business that goes to a bank and finds out that the bank is uncomfortable with them in a cap position will be able to opt out by notifying the Commissioner of Environmental Services. So everybody has agreed to this language. Everybody can live with it and we think that it's crafted so that it will not hurt business growth, but at the same time will provide some protection for those people who are concerned about the AG's involvement on the public water rights issue.

Amendment to HB 104-FN

Amend 1990, 148:4-a as inserted by section 8 of the bill by replacing it with the following:

148:4-a Usage by Registered Water Users.

I. No department of the state of New Hampshire, in pursuit or exercise of the doctrine of public trust as set forth by an opinion of the attorney general dated August 2, 1989, shall delimit or curtail the continued water usage of any water users, their successors and assigns, registered with and reporting uses or withdrawals with the division of water resources, department of environmental services, pursuant to 1983, 402:1 and RSA 482:3 for the duration of the public water rights study committee authorized by this act, if such water users opt to be subject to a water use cap. Any registered water user may opt to take part in the cap by notifying in writing, the commissioner of environmental services by certified mail. Registered water users may, in the same manner, opt to change their status with respect to the cap created by this section. With respect to the doctrine of public trust, registered users opting to be subject to the cap may continue usage or withdrawal to a level that does not exceed their maximum annual use or withdrawal as reported from January 1, 1988, to May 1, 1991. Any registered water user operating under the cap shall be immune from the enforcement of the public trust doctrine by the attorney general. However, if the user does not choose to participate under the cap, then such user shall not be held harmless if a violation of the public trust doctrine should occur.

II. Registered hydroelectric facilities which continue operations consistent with available water volumes shall be deemed to be operating in a manner which is consistent with the doctrine of public trust provided that they continue to report their usage to the division of water resources, department of environmental services, pursuant to 1983, 402:1 and RSA 482:3, for the duration of the public water rights study.

AMENDED ANALYSIS

This bill extends the amount of time that the public water rights study committee has to submit its report by 2 years and changes the composition of the committee. It requires the report to address authorization for registered water users to continue their present water withdrawal, and recommend legislation for the 1993 legislative session. In addition it prohibits any department in the state of New Hampshire from delineating or curtailing continued water use for the duration of the study committee.

This bill also permits registered water users to take part in an optional water use cap by notifying in writing, the commissioner of environmental services.

The bill deems registered hydroelectric facilities which continue to operate consistent with available water volumes to be operating in a manner consistent with the public trust doctrine.

Amendment Adopted.

Ordered To Third Reading.

HB 107-FN, an act relative to registration fees for dams. Environment committee. Ought To Pass With Amendment. Senator Fraser for the committee.

SENATOR FRASER: Mr. President, all that HB 107 does is amend out of the current law, RSA 482:8, the fee for the smallest possible dams, what they call Class AA dams. The current fee is \$20 which is a nuisance, number one; and secondly, it was terribly unfair to people who have small ponds on their land in order to protect their environment. We urge passage of the bill.

Amendment to HB 107-FN

Amend the title of the bill by replacing it with the following:

AN ACT

eliminating registration fees for class AA dams.

Amend RSA 482:8-a as inserted by section 1 of the bill by replacing it with the following:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the division of water resources on [March] **January** 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA 482:15. Yearly dam registration fees based on the following dam classification shall be as follows: [Class AA = \$20;] Class A = \$50; Class B = \$200; Class C = \$300.

Revenues from this annual registration are to be collected by the division and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

AMENDED ANALYSIS

This bill eliminates the \$20 annual registration fee for class AA dams.

Amendment Adopted.

Ordered To Third Reading.

HB 111, an act relative to protective well radii. Environment committee. Ought To Pass. Senator W. King for the committee.

SENATOR W. KING: This is, I know, a weird word. It has to do with protective well radii. That is the distance around a well that is protected for the purposes of guaranteeing that water is not contaminated by sewage, salt or anything like that. The existing law creates a problem where two well radii are able to overlap without any environmental degradation, but are not allowed to; and so consequently, the result can actually be development that is less environmentally sound rather than more environmentally sound. This bill corrects that problem and allows, under certain circumstances, for the protective radii that is required around wells to be overlapping.

Adopted.

Ordered To Third Reading.

HB 210-FN, an act creating a committee to study artificial impoundments. Environment committee. Ought To Pass. Senator Russman for the committee.

SENATOR RUSSMAN: This bill establishes a study committee to look at land values, or what has happened to land that is under artificial impoundments. There is some question as to the jurisdiction and this committee will study that and report back to us with recommendations.

Adopted.

Recess.

Out of recess.

SENATOR W. KING: I would like to offer a floor amendment 2911L. It clears up a problem that was noted in the most recent audit of the Department of Environmental Services, which allows them to charge for publications that they distribute for educational purposes to municipalities to enter the private sector. It also

changes a reference that was inadvertently not changed several years ago when we changed the location of the State Geologist in terms of to whom that person answers. The State Geologist is actually listed as being a person who is under two separate divisions, the University System and the Department of Environmental Services. That was inadvertent. When they put the State Geologist over to the Department of Environmental Services, they were supposed to strike the language that said that the state geologist was at the University. So this just takes out that language and recognizes that in the last session we put him in the Department of Environmental Services.

Senator W. King offered a floor amendment.

Floor Amendment to HB 210-FN

Amend the title of the bill by replacing it with the following:

AN ACT

creating a committee to study artificial impoundments,
relative to the department of environmental
services revolving fund and abolishing
the office of state geologist.

Amend the bill by inserting after section 4 the following and re-numbering the original section 5 to read as 11:

5 Revolving Fund; Persons Subject to Regulation Included. Amend the introductory paragraph of RSA 21-O:1-a to read as follows:

In order to enhance its ability to provide education and training assistance to municipalities, [and] regional agencies, **and persons subject to regulation by the department** a nonlapsing revolving fund, which shall not exceed \$20,000 on June 30 of each year, shall be established in the department of environmental services. Any amounts in excess of \$20,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue. The moneys in this fund shall be used for the purposes of:

6 Revolving Fund; Persons Subject to Regulation Included. Amend RSA 21-O:1-a, II to read as follows:

II. Providing training **and educational materials** to local and regional officials, **and persons subject to regulation by the department**. A reasonable charge shall be established for such training. This charge shall be fixed to reflect the cost of payments to experts to provide the training, the cost of written training material, rental of facilities, advertising and other associated costs. Such training shall be conducted in a geographically dispersed manner and scheduled with the convenience of part-time officials in mind.

7 Reference Removed. Amend RSA 21-O:12, II to read as follows:

II. Geology shall be under the direction of the [state geologist] **assistant commissioner**, who shall[:] consult with the commissioner of the department of resources and economic development relative to the issuance of mining permits under RSA 12-E; assist the directors of water resources, water supply and pollution control, and waste management as necessary; and perform such other duties as may be assigned by the commissioner. [The state geologist shall be a staff member of the commissioner's office and shall advise the department, and all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. He shall maintain liaison with federal and other state geologic agencies and with the state university.]

8 Reference Removed. Amend RSA 125-G:4, I to read as follows:

I. The nuclear waste policy advisory committee is hereby created. The committee shall exercise the powers and duties and discharge the responsibilities as provided in RSA 125-G:5. The committee shall consist of the following members: one member of the house of representatives to be appointed by the speaker of the house; one member of the senate to be appointed by the senate president; one public member to be appointed by the speaker of the house; one public member to be appointed by the senate president; 4 members to be appointed by the governor, at least one of whom shall be the governor's representative and at least 2 of whom shall be public members, one of the public members to be from a county in which a proposed facility may be located; **and** the director of the state radiation control agency or his designee[; and the state geologist].

9 Reference Removed. Amend RSA 482-B:3, I to read as follows:

I. There is created a board to be known as the New Hampshire water well board. The water well board shall be administered by the commissioner of environmental services. The board shall consist of [7] 6 members who are residents of the state, appointed by the governor with the advice and consent of the council as follows: one member shall be the director, division of water resources, department of environmental services, or his designee; [one shall be the state geologist;] 2 shall be active water well contractors with at least 10 years of experience; one shall be an active pump installer with at least 10 years of experience; one shall be an active technical driller licensed in the state of New Hampshire with at least 10 years of experience; and one shall be a member of the public who has demonstrated concern for and knowledge of water resources management in New Hampshire. Each member shall hold office for a term of 5 years and

until his successor is appointed and qualified[; provided, however, that the original appointments shall be as follows: the member of the public for a 2-year term; one water well contractor for a 3-year term; one water well contractor for a 4-year term; and the pump installer and technical driller for 5-year terms]. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any member of the board for good cause.

10 Repeal. The following are repealed.

I. RSA 12-A:4-a, relative to the office of state geologist.

II. RSA 12-A:4-b, relative to the state duties of the state geologist.

III. RSA 21-O:1-a, III, relative to money in a revolving fund used for a training course for solid waste operators.

AMENDED ANALYSIS

This bill creates a study committee to look at the status of artificial impoundments. The committee shall submit its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor.

This bill also removes the solid waste operator training course and certification test from the department of environmental services education and training revolving fund.

This bill also abolishes the office of state geologist.

Floor Amendment Adopted.

Ordered To Third Reading.

HB 211-FN-A, an act relative to administrative fees of the air resources division and continually appropriating such fees. Environment committee. Ought To Pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The committee on Environment would like to ask Ought to Pass on HB 211. What the bill does is it cleans up some misunderstanding on the part of what funds are used by the agency and the Commissioner in performance of their duties under this chapter. All it clearly states is that these are nonlapsing funds. It allows the department to continue with the practice that they have been conforming with the last 12 years of the agency to use those funds that come from air permit fees for the purpose of that department.

Adopted.

Ordered To Third Reading.

SENATOR ROBERGE (Rule #44): Mr. President, and members of this Senate, on behalf of the ladies in this Senate, we would like to thank Senator Bass for his lovely flowers. Thank you, Senator Bass.

HB 257, an act relative to collection and reclamation of motor vehicle wastes. Environment committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: Yes. Right now towns can vote to charge a fee of \$3 and people can take waste tires and things of that nature to their local recycling center. The problem was that a number of people that own garages would bring large volumes of tires and that was a problem. So the bill and the amendment make it such that only people that live in town can bring their tires and the commercial haulers would have to make special arrangements so that the recycling center wouldn't be overrun with tires.

Amendment to HB 257

Amend the bill by replacing sections 1-2 with the following:

1 Motor Vehicle Waste Defined. Amend RSA 149-M:13-a, I to read as follows:

I. A town which collects an additional fee under RSA 261:153, V shall create a town reclamation trust fund to receive the town share of such fee, to be used to pay the fees for the collection and disposal of the town's motor vehicle waste. **For the purposes of this section, "motor vehicle waste" means used residential motor oil, residential motor vehicle batteries, and tires from residential motorized vehicles, where residential, for the purposes of this paragraph, means any motor vehicle registered in a municipality which collects the fee assessed under RSA 261:153, V.** Towns may use any moneys in the fund in excess of such fees for the recycling and reclamation of other types of solid waste.

2 Motor Vehicle Waste Defined. Amend the introductory paragraph of RSA 261:153, V to read as follows:

V. Beginning July 1, 1989, in addition to each registration fee collected under paragraph I, there may be collected an additional fee for the purposes of a town reclamation trust fund as established in RSA 149-M:13-a. Of this amount, \$.50 shall be retained by the city official designated by the city government or by the town clerk for administrative costs and the remaining amount shall be deposited into the reclamation trust fund established by the town for the purpose of paying collection and disposal fees for the town's motor vehicle wastes. **For the purposes of this paragraph, "motor vehicle wastes" means used residential motor oil, residential motor vehicle batteries, and tires from residential motorized vehicles,**

where residential, for the purposes of this paragraph, means any motor vehicle registered in a municipality which collects the fee assessed under this paragraph. A town which collects such additional fees shall not charge a disposal fee for motor vehicle waste at the town's solid waste disposal facility. If a town finds the additional fee is not sufficient to cover fees for collection and disposal of town motor vehicle waste, it shall notify the office of state planning. The office shall study the fee in accordance with RSA 4-C:1 and make recommendations, if necessary, for increases in the fee. The additional fee schedule shall be graduated by class of vehicle as follows:

Amendment Adopted.

Ordered To Third Reading.

HB 262-FN, an act revising hazardous waste facility permit fees. Environment committee. Ought To Pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: This bill amends the hazardous waste management statute regarding hazardous waste facility operators' permit fees to allow the Division of Waste Management to charge the state costs in excess of the \$500,000 permit application fee to the applicant. We found that the fee was sometimes not high enough because of the high cost of the hazardous waste material and this bill would allow the state to charge more in those particular cases.

Adopted.

Ordered To Third Reading.

HB 276-FN, an act relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services. Environment committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: This bill extends the time for the task force to report. It also sets forth the various things that should be in the report that the Commissioner will file, relative to the amount that is being recycled and the various legislative things that have come down on recycling that he would prepare in the report which he would be filing with us.

Amendment to HB 276-FN

Amend the bill by replacing section 3 with the following:

3 Biennial Reports Required. 1990, 15:3 is repealed and reenacted to read as follows:

15:3 Commissioner's Biennial Reports.

I. The commissioner of the department of environmental services shall prepare biennial reports, the results of which shall be published and made available to the governor, the general court, and the public beginning November 1, 1991, and continuing through November 1, 1995. The November 1, 1991 report shall include:

(a) A survey of present and proposed solid waste fee legislation in other states and Congress.

(b) The number and type of New Hampshire businesses or industries that are participating in the voluntary programs, including:

(1) The solid waste stream reduction achieved by type of material or industry; and

(2) Estimates of the total amount of each type of material and the maximum reduction that could be achieved or the amount of solid waste that could be expected to be recycled.

(c) Remaining problem areas at the times of reporting.

(d) Conclusions and recommendations.

II. The November 1, 1993 and 1995 reports shall include a listing of new voluntary agreements relative to reducing and recycling the solid waste stream and an update on the progress and status of the issues surveyed in 1990, 15:3-a, I(b)-(d) and the findings reported under those subparagraphs in the commissioner's November 1, 1991 report.

Amendment Adopted.

Ordered To Third Reading.

HB 458, an act relative to the composition of the wetlands board. Environment committee. Ought To Pass. Senator W. King for the committee.

SENATOR W. KING: This bill just clarifies the language in terms of the people who are on the Wetlands Board and makes the appointment from a list submitted to the Governor by each of the organizations that is represented by the Wetlands Board.

Adopted.

Ordered To Third Reading.

HB 493-FN, an act relative to the design review fees for sewerage and wastewater projects. Environment committee. Ought To Pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The Committee on Environment would ask Ought to pass on HB 493. This bill changes the fee to be paid to the Division of Water Supply and Pollution for sewage systems. The current law requires a fee of \$30 for each 300 gallons per day unit of flow. This bill makes the rate applicable for the first

10,000 gallons of daily flow, with an additional amount to be assessed at the rate of \$15 per each 300 gallons per day unit of flow. What the agency found is that in some cases this was too high for the municipalities and therefore this bill would allow a more fair charge for the municipalities.

Adopted.

Ordered To Third Reading.

HB 509, an act clarifying the definition of public benefit relative to permitting solid waste facilities. Environment committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: This is an important bill and a lot of work went into this bill relative to what constitutes a public benefit in New Hampshire as far as what a solid waste facility would have to show in terms of coming into New Hampshire to set up business and either bury, burn, or recycle trash. The problem is that constitutionally we cannot ban out-of-state trash coming into New Hampshire. The commerce clause in the United States protects that. At the same time we can set standards that are very important standards relative to what solid waste facilities have got to meet in terms of bringing in material or setting up shop in this state. I understand that there is going to be a potential floor amendment relative to this bill that seeks to exempt debris-burning trash plants. There has been a real interest in those in the southern part of the state, relative to them coming into New Hampshire essentially to burn construction debris from the State of Massachusetts and obviously, we are left with the problem of what to do with the ash from it. So I am speaking in favor and the committee recommendation is on the bill that you have before you. I understand that possibly Senator Fraser may have a floor amendment to exempt these particular plants. They would not fall within a hierarchy that has been established. It's essentially a dangerous precedent. There is going to be a question raised at some point as to what is the point of having a hierarchy to determine whether or not the state of New Hampshire needs these. We need to look at New Hampshire first relative to what we need for solid waste plants. We ought not to be siting things that are going to burn items for other states. I mean, it does no good to make New Hampshire the waste basket for New England. So I would urge you to support the committee recommendation of Ought to Pass as Amended on the bill and hopefully defeat the floor amendment if it is offered.

Amendment to HB 509

Amend the bill by replacing section 3 with the following:

3 New Section; Public Benefit Requirements. Amend RSA 149-M by inserting after section 10-b the following new section:

149-M:10-c Public Benefit Requirement.

I. The general court finds and declares as follows:

(a) It is responsible to provide for the solid waste management needs of the state and its citizens.

(b) In order to provide for these needs, it must ensure that adequate capacity exists within the state to accommodate the solid waste generated within the borders of the state.

(c) Facilities necessary to meet state solid waste capacity needs must be designed and operated in a manner which will protect the public health and the state's natural environment.

(d) An integrated system of solid waste management requires a variety of different types of facilities designed to accommodate the entire solid waste stream, including materials which can be recycled, recovered or reused, materials which can be composted, and residual materials which must be disposed of permanently.

(e) The enactment of statutes to address the needs identified in this section is an exercise of the police power granted to the general court under part II, article 5 of the New Hampshire Constitution.

II. The general court declares that it is the purpose of this section to ensure benefit to the citizens of New Hampshire by providing for solid waste management options which will meet the capacity needs of the state while minimizing adverse environmental, public health and long-term economic impacts.

III. The division shall determine whether a proposed solid waste facility provides a substantial public benefit based upon the following criteria:

(a) The short and long-term need for a solid waste facility of the proposed type, size and location to provide capacity to accommodate solid waste generated within the borders of New Hampshire, which capacity need shall be identified as provided in paragraph V.

(b) The ability of the proposed facility to assist the state achieving the implementation of the hierarchy and goals under RSA 149-M:1-a.

(c) The ability of the proposed facility to assist in achieving the goals of the state solid waste management plan, and one or more solid waste management plans submitted to and approved by the division under RSA 149-M:18.

IV. The division shall also consider as part of its public benefit determination:

(a) The concerns of the citizens and governing bodies of the host municipality, county and district and other affected persons. For any proposed solid waste facility designed to accommodate in excess of 30 tons of solid waste per day, the division shall hold at

least one public hearing in the host municipality, or in the case of an unincorporated town or unorganized place in the host county, in order to take testimony to identify those concerns. This public hearing requirement shall not apply to a proposed solid waste facility designed exclusively to transfer solid waste.

(b) The economic viability of the proposed facility, including but not limited to its ability to secure financing.

V. In order to determine the state's solid waste capacity need, the division shall:

(a) Project, as necessary, the amount of solid waste which will be generated within the borders of New Hampshire for a 20-year planning period. In making these projections the division shall assume that all unlined landfill capacity within the state in existence upon the effective date of this section will cease to be available to receive solid waste after January 1, 1995.

(b) Identify the types of solid waste which can be managed according to each of the methods listed under RSA 149-M:1-a, II and determine which such types will be received by the proposed facility.

(c) Identify, according to type of solid waste received, all permitted facilities operating in the state on the date a determination is made under this section.

(d) Identify any shortfall in the capacity of existing facilities to accommodate the type of solid waste to be received at the proposed facility for 20 years from the date a determination is made under this section. If such a shortfall is identified, a capacity need for the proposed type of facility shall be deemed to exist to the extent that the proposed facility satisfies that need.

VI. All applicants under this chapter shall provide any information requested by the division. If an applicant declares that any information requested under this section should be considered exempt under RSA 91-A:5, IV, the attorney general shall determine the reasonableness of such declaration and, if he agrees, shall direct the division to treat it as confidential information which shall be considered exempt under RSA 91-A:5, IV.

VII. Any proposed solid waste facility to be owned and controlled by a solid waste district, or a member municipality on behalf of its solid waste district, shall be deemed to fulfill the requirements of paragraph III provided that it is built within the district and shall serve only the capacity needs of that district. Notwithstanding the provisions of this paragraph, permit applicants which rely on this paragraph to fulfill the public benefit requirement shall address in their application the consideration given to the provisions of RSA 149-M:1-a as concerns the appropriate facility to meet the needs of the district. Any permit issued for a facility which fulfills the public

benefit requirement by relying on this paragraph shall state that the facility is limited to receiving solid waste generated within that district.

VIII. Each applicant for a solid waste permit under this chapter shall have the burden of demonstrating that a proposed solid waste facility provides a public benefit by showing how the proposed facility satisfies the criteria listed under paragraph III. Such demonstration shall be included as part of each application for a solid waste permit.

IX. If the division determines that an applicant has failed to demonstrate that it satisfies the criteria listed under paragraph III, it shall notify the applicant in writing that its application has been denied, and provide a written explanation of the reasons for that determination.

X. If the division determines that an applicant has demonstrated that it satisfies the criteria listed under paragraph III, it shall state that determination in any permit issued.

XI. Facilities permitted under this chapter shall be operated so as to provide a substantial public benefit consistent with the information submitted as part of the application concerning how the facility accommodates New Hampshire capacity needs. If a permittee cannot demonstrate consistency with information submitted in its permit application and where it no longer meets needs identified in the state solid waste management plan, and one or more solid waste management plans submitted to and approved by the division under RSA 149-M:18 due to circumstances beyond its control, as determined by the commissioner of environmental services and the attorney general, the department shall not enforce this paragraph based solely upon such inconsistency.

AMENDED ANALYSIS

This bill enhances the standard for substantial public benefit which a solid waste facility must demonstrate to the division of waste management of the department of environmental services when applying for a permit to operate the facility. The bill places the burden on the applicant to demonstrate a public benefit and requires a public hearing relative to the pending facility application.

Senator Heath moved to Have HB 509, Laid On The Table.

Adopted.

HB 509, IS LAID ON THE TABLE.

HB 515-FN, an act giving legislative approval to the division of water resources, department of environmental services to accept cer-

tain dams if repair costs are paid by the current owners. Environment committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: HB 515 is a bill that was put in at the request of Mr. Knowlton and the Fish and Game Department and several others. The most important part of it was Garland Pond Dam, I believe, or Ossipee Lake Dam that is, whereby the towns of, I think it's Effingham, Ossipee, and Freedom, would agree to take care of that dam as far as maintenance and repairs, but the state would do major reconstruction if it was necessary. No one opposed the bill and we would urge you to act on it favorably.

Amendment to HB 515-FN

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing governor and council to accept certain dams.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Acquisition of Certain Dams. Amend RSA 482:48 by inserting after paragraph II the following new paragraphs:

III. The governor and council are hereby authorized to accept the following dams; provided that the conditions in paragraph IV are met:

- (a) Little bog pond dam, Odell, dam #185.03.
- (b) Trio ponds dam, Odell, dam #185.02.
- (c) Meadow lake dam, Northwood, dam #183.16.
- (d) Garland pond dam, Ossipee, dam #188.19.

IV.(a) No agency of the state shall accept title to any dam in paragraph III until the condition of the structure meets any outstanding repair order and acceptable operating and maintenance requirements of the dam safety section of the division of water resources, department of environmental services, or until the owners of such dam provide the necessary funds to accomplish such repairs to the dam maintenance fund under RSA 482:55. The owners also shall provide adequate property or easements to develop access for the public to the impoundment, should none be available.

(b) The governor and council shall authorize the acceptance of said dams on behalf of the state only after all repairs have been completed and the dam has been deemed satisfactory through an inspection by the division of water resources. Title to the dams

listed in paragraph III shall be transferred to the following agencies who shall be responsible for the operation and minor maintenance of said structures as follows:

(1) Little bog pond dam — department of resources and economic development.

(2) Trio ponds dam — department of resources and economic development.

(3) Meadow lake dam — department of resources and economic development.

(4) Garland pond dam — fish and game department.

(c) Any property that the state is authorized to acquire under the provisions of this subdivision shall be exempt from taxation as long as the property is held by the state.

2 References Changed. Amend RSA 482:57 to read as follows:

482:57 Expenditure. Notwithstanding other provisions of law, the commissioner of environmental services shall expend such sums from the dam maintenance fund as are necessary for performance of work on state-owned dams only in the following categories:

I. Minor projects and emergency repairs, which may be completed by force account methods by the division of water resources [in accordance with the provisions of the manual of procedure].

II. Repair projects, which may be completed by force account methods by the division of water resources [and shall be authorized] **on dams, the acquisition of which has been authorized** by the legislature, with the approval of governor and council.

III. Reconstruction projects, which shall be completed by contract construction or force account [and shall be authorized] **on dams, the acquisition of which has been authorized** by the legislature, with the approval of governor and council.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill gives the necessary approval by the governor and council, to the division of water resources, department of environmental services to accept certain dams so long as the costs to repair such dams shall be paid by the current owners prior to the state taking title.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

President Dupont in the Chair.

HB 560-FN, an act relative to bacteriological standards and reclassifying certain waters. Environment committee. Ought To Pass With Amendment. Senator W. King for the committee.

SENATOR W. KING: This bill clarifies the law relative to bacteriological standards on the bacteria *E. coli* as it pertains to deposition in rivers and lakes.

Recess.

Out of recess.

SENATOR NELSON: Senator King, what role did the Department of Public Health play in this piece of legislation?

SENATOR W. KING: Well, the Public Health Department and the Department of Environmental Services both came in and testified in favor of this legislation.

SENATOR NELSON: Why are they changing the reporting from every year to biennial?

SENATOR W. KING: Actually, what they are doing is, it changes the . . . this is fairly complicated stuff, Senator Nelson. I know that you'll understand it, but it changes the pathogen indicators that they use for classifying service waters because the test necessary is less expensive to communities, it's more accurate, and so on. It's economically more feasible. So that's the reason that the bill was brought forward.

SENATOR NELSON: Let me ask my question again. Having worked on the water laws in the recodification, I have some basic understanding of water and problems within the system.

SENATOR W. KING: I said you would.

SENATOR NELSON: Right . . . But the question is why are you changing? Because of the complexity of the issue, we are not going to report it annually now? We are going to report it biennially? That was a question. Less complicated than you thought.

SENATOR W. KING: I believe that what you see here in terms of the reporting is a report from the Department of Environmental Services to the Governor. I don't believe that is in current law.

SENATOR NELSON: What they have done is delete the word "annual" and add the word "biennial" and perhaps maybe later on you could get me an answer? I have one final question. If we're protecting water and the people of the state of New Hampshire, is it enough to just post a sign there? Is that the only kind of notice that we need? That's on the first page of the bill, the last three lines. Do you think this is alright? Is it going to protect people? Is there enough protection in it?

SENATOR W. KING: Yes.

SENATOR NELSON: Thank you, Mr. President, and Senator King.

Amendment to HB 560-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to bacteriological standards and reclassifying certain waters and relative to the sale of certain batteries.

Amend RSA 485-A:8, II and III as inserted by section 4 of the bill by replacing them with the following:

II. Class B waters shall be of the second highest quality and shall have no objectionable physical characteristics, shall [be near saturation for dissolved oxygen] **contain a dissolved oxygen content of at least 75 percent of saturation**, and shall contain not more than [240 coliformbacteria per 100 milliliters] **either a geometric mean based on at least 3 samples obtained over a 60-day period of 126 Escherichia coli per 100 milliliters, or greater than 406 Escherichia coli per 100 milliliters in any one sample; and for designated beach areas shall contain not more than a geometric mean based on at least 3 samples obtained over a 60-day period of 47 Escherichia coli per 100 milliliters, or 88 Escherichia coli per 100 milliliters in any one sample; unless naturally occurring.** There shall be no disposal of sewage or waste into said waters except those which have received adequate treatment to prevent the lowering of the **biological**, physical, chemical or bacteriological characteristics below those given above, nor shall such disposal of sewage or waste be inimical to [fish] **aquatic** life or to the maintenance of [fish] **aquatic** life in said receiving waters. The pH range for said waters shall be 6.5 to 8.0 except when due to natural causes. Any stream temperature increase associated with the discharge of treated sewage, waste or cooling water, **water diversions, or releases** shall not be such as to appreciably interfere with the uses assigned to this class. The waters of this classification shall be considered as being acceptable for [bathing] **fishing, swimming** and other recreational purposes and, after adequate treatment, for use as water supplies. **Where it is demonstrated to the satisfaction of the division that the class B criteria cannot reasonably be met in certain surface waters at all times as a result of combined sewer overflow events, temporary partial use areas shall be established by rules adopted under RSA 485-A:6, XI-c, which meet, as a minimum, the standards specified in paragraph III. Notwithstanding the foregoing, a temporary partial use area subject to the minimum standards**

specified in paragraph III shall be established for those surface waters which receive effluent from an existing municipal wastewater treatment facility and which are subject to extremely low flows and low dilution as specified in paragraph III.

III. [Class C waters shall be of the third highest quality and] **The waters in temporary partial use areas established under paragraph II shall be free from slick, odors, turbidity, sludge deposits, and surface-floating solids of unreasonable kind or quantity, shall contain not less than 5 parts per million of dissolved oxygen; shall have a hydrogen ion concentration within the range of pH 6.0 to [8.5] 9.0 except when due to natural causes; and shall be free from chemicals and other materials and conditions inimical to [fish] aquatic life or the maintenance of [fish] aquatic life. These criteria shall apply during combined sewer overflow discharges and up to 3 days following cessation of said discharge. These criteria shall also apply to surface waters which receive effluent from an existing municipal wastewater treatment facility when the flow in those surface waters falls below 25 cubic feet per second (cfs) and when those waters are subject to a dilution factor of not greater than 2.5. At all other times the standards and uses specified in paragraph II shall apply.** [Any stream temperature increase associated with the discharge of treated sewage, waste or cooling water shall not be such as to appreciably interfere with the uses assigned to this class. The waters of this classification shall be considered as being acceptable for recreational boating, fishing, or for industrial water supply uses either with or without treatment depending upon individual requirements.]

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10 respectively:

8 New Paragraphs; Refuse Recycling or Reduction. Amend RSA 149-M:22 by inserting after paragraph V the following new paragraphs:

VI. Beginning January 1, 1993, no person shall sell or offer for sale in this state any consumer product which contains a nickel-cadmium battery unless:

(a) The battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed; and

(b) Such product, the package containing such product, or the battery itself is labeled in a manner which is visible to the consumer prior to purchase with one of the following statements, as appropriate, printed in capital letters:

(1) "CONTAINS NICKEL-CADMIUM BATTERY. MUST BE DISPOSED OF PROPERLY"; or

(2) "NICKEL-CADMIUM BATTERY. MUST BE DISPOSED OF PROPERLY."

VII. The commissioner of environmental services may authorize the sale of a consumer product which does not comply with the provisions of paragraph VI if such product was available for sale on or before the effective date of this act and the commissioner determines that:

(a) Such product cannot reasonably be redesigned and manufactured by July 1, 1993; or

(b) The redesign of such product to comply with this paragraph would result in significant danger to public health and safety. Any authorization under this paragraph shall be limited to 2 years and may not be renewed.

VIII.(a) Except as provided in subparagraph (b) no person may sell or offer for sale in this state an alkaline manganese battery manufactured on or after January 1, 1991, which contains more than .025 percent mercury by weight of the battery.

(b) For alkaline manganese batteries having sizes and shapes resembling buttons or coins, the limitation on mercury content shall be 25 milligrams of mercury per battery.

AMENDED ANALYSIS

This bill changes the current pathogen indicator for classifying surface waters from a coliform bacteriological standard to the inclusion of *Escherichia coli* (E. coli) for freshwaters and enterococci for marine waters.

This bill also changes the classification system of the state's surface waters by upgrading all surface waters which are presently classified as C to B, but allowing for temporary partial use areas for waters which do not meet class B criteria, and eliminates the class C classification for surface waters.

In addition this bill requires the department of environmental services to make a biennial report of its water sampling findings to the governor and council, the senate environment committee and the house resources, recreation and development committee.

This bill also prohibits the sale of nickel-cadmium batteries and alkaline manganese batteries unless the batteries meet certain criteria. Products available before the effective date of this act are exempt.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

Senator Currier in the chair.

HB 611-FN, an act relative to plastic holding devices used in packaging. Environment committee. Ought To Pass. Senator Russman for the committee.

SENATOR RUSSMAN: The committee looked at this and basically it has to do with the rings that come around your six-packs and cans of tonic and those types of things. And there is going to be a floor amendment by Senator King, so I would defer to him on that. I urge Ought to Pass with the Amendments.

SENATOR W. KING: As the bill originally came over from the House, it was the intent of the Sponsors and the House members, unless Senator Colantuono tells me otherwise, that these plastic rings and any substitutes used for them be biodegradable. But, on further reading of the bill after the committee passed it out, we found that that was not completely clear and so this suggested change will do that.

SENATOR DISNARD: Senator King, for information, does this mean that packaging by the beverage industry of soft drinks or any type of drinks, that they will not then distribute those in this state if they do not have at the time the means of packaging?

SENATOR W. KING: Senator Disnard, the beverage industry buys the yokes from different corporations. Most of those corporations have already gone to the biodegradable style. And let me just say that the difference is astounding between the two. An individual brought in two different yokes both of which had been sitting in the sun for a week. One of them practically crumpled into dust and the other didn't respond at all. It stayed as yokes. And as you know, being a fisherman, that is a problem.

SENATOR DISNARD: Thank you very much.

SENATOR MCLANE: Mr. President, I just wanted to say that if America should ever be proud of democracy, it would have been at that hearing. There were the cutest kids there. They had been working with the industry and I think it was a wonderful example of an industry that helped these kids study the problem. They learned a lot of chemistry, about how sun can make this plastic biodegradable and the person that was there from the industry was most understanding and interested in what these kids were learning. So we should all be proud of this bill and that hearing.

Senator W. King offered a floor amendment.

Floor Amendment to HB 611-FN

Amend RSA 339:71 as inserted by section 2 of the bill by replacing it with the following:

339:71 Definitions. In this subdivision "holding device" means any device constructed of plastic rings or plastic material, which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles.

Floor Amendment Adopted.

Ordered To Third Reading.

HB 674-FN, an act designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. Environment committee. Ought To Pass With Amendment. Senator W. King for the committee.

SENATOR W. KING: HB 674, as you all will remember, has been a bill that has been subject to a great deal of public scrutiny. The Senate Environment Committee held more than eight hours of public hearing on this issue. We listened to every side express its views on this issue. Then the subcommittee, subsequent to that, worked on the bill. There are some changes in the enabling legislation inherent in the amendment that you have before you, as a response to several issues that were raised during the process of the public hearings. It is my belief, if this is indeed a rivers management and protection plan, that some day all the rivers of the state will be within this program and able to be managed and protected so that we will have good quality in stream flows and good quality of water.

The bill addresses quality of water and quantity of water. Land use planning is left strictly up to the communities. There will indeed be some suggestions made to the communities, but ultimately, the communities in their town meetings will have the opportunity to vote on that. One of the major criticisms that came before our Senate Committee on Environment was that the rivers management and protection plan was an anti-hydro plan, because it did not allow for new hydro facilities. As a result of that, in the designation of "community river", there is allowed new hydro facilities if, and only if, they are consistent with the application that is brought forward to the Commissioner and to the Rivers Council.

The second thing that we did with the enabling legislation was to recognize that what was conceived of as a community river was largely for an urban area, and yet what is a community river in an urban area is sometimes not the same thing as a community river in a rural area. And for that reason, we created a new classification

called "rural-community rivers". The areas of Campton and Thornton, that have been the subject of the greatest controversy over this bill, are placed into that "rural-community river". It recognizes the current planning, master plans, zoning, and subdivision regulations within those towns.

And finally, it protects what I believe is one of New Hampshire's most precious assets, and that is the Livermore Falls site. The Livermore Falls site is, by far, one of the greatest scenic wonders of New Hampshire. And it is the feeling of the committee and my hope that eventually we will see the state of New Hampshire, through the LCIP, acquire the Livermore Falls site. But it is the feeling of the committee that Livermore Falls should not be developed into a hydro facility and that is consistent with the nomination in the Campton and Thornton area. Subsequent to the adoption of this amendment, I have a floor amendment which merely clears up language that relates to the "community river" designation change.

SENATOR HEATH: I rise in strong objection to this legislation. I think everybody wants to see our rivers protected and we have done an enormous amount of good for our rivers. If you've lived here, as many of you did, probably most of you, thirty years ago you know what our rivers were like and you have a comparison. We have cleaned our rivers up. We have protected them in a whole bunch of different ways and we have seen the results with fish, with the ability to swim, with the lack of garbage on the side of the rivers, with the smell not only improving but disappearing in most cases. But this bill, ironically I guess, got the ball rolling in the designation of scenic rivers with the original legislation. I believe I was the sole sponsor in the original piece of legislation. It was my intent, and it still is, for the state to buy developmental rights along certain special scenic sections or to buy industrial rights, or agricultural rights or whatever and set it aside. But what we are doing here, and I can see I'm not preaching to a very large audience and probably in vain, but what we are doing here — and there are a lot of people that are being buffaloeed out there that are sending you notes and cards who don't understand and if it happened to their property they would understand — is taking property rights without compensation. You are prohibiting activities in agriculture. You are also opening up a Pandora's box of statewide zoning that when these rivers get designated, then the controls that aren't contained in here will flood in and there are plenty of controls that affect land side use of property — agriculture and otherwise — in this legislation. I would urge you in the strongest terms to not buy it. You are buying a pig in a poke and there are ways to protect these rivers beyond what we have already done and that has shown so many results that I am not sure

why we have to go on this cause at this point. The way to do it is to buy the developmental rights along the river. Don't take them from people without compensation. Don't take them from industries. This will affect the skiing industry. It will affect agricultural industry. It will affect low-head hydros. It will affect a bunch of industries as well as water resources for your communities. I would urge you to put this aside. It can be done at a later date when you see the consequences of it and have studied it. The rivers will be here. They are improving every day as it is with the legislation that we have. The rivers aren't going anywhere and the development along the rivers is nil.

SENATOR NELSON: Senator Heath, I thought I understood Senator King to say that the land portion of this bill or the land around the water would be protected or would be dealt with by the zoning laws covering the land in the particular town or city. Is that correct? And if so, what is the problem? I was hoping that you could articulate that for me.

SENATOR HEATH: Well, let me see if I can find that section here. It starts on page 18, Section 10 (3) Just below that it says "... uses as agricultural, forest management" and so on. Does forest management strike you as something that is the river?

SENATOR NELSON: The bottom line here is this: Is this bill dictating to the landowners what they need to do with the water, or is the use of the land being dictated by the zoning ordinances and laws in the cities and towns?

SENATOR HEATH: Unfortunately, both. For example, if there are impoundments that are existing, or drainage ditches, that's fine, but you can't add that now. If anyone has ever worked along a river in agriculture you would know that the river changes. It moves. You may have to drain this meadow this year and that meadow next year in order to use it. That would be prohibited under this legislation. That is a landside prohibition under this legislation. Furthermore, you are designating and adding rules now, but once these are designated, then they will start adding the rules onto whether it's timber cutting, which is, by the way, in here or a bunch of other things on land sides and those will be added to every river that is designated. There are two towns in the North country that have looked at this, that are affected rural towns, that took a vote at their town meeting in opposition.

SENATOR NELSON: Senator Heath, if we've now come up with another definition for rural, excuse me, we are doing community and

rural. Was there a difference in terms of the definition of rural, based on some of the remarks that you have made that came out of that committee?

SENATOR HEATH: You mean between rural and . . .?

SENATOR NELSON: Community and some of the differences that you are discussing now?

SENATOR HEATH: Yes. They couldn't shove down the cities throats what they are going to shove down the country people's throats in this bill and that is why there is a different designation.

SENATOR NELSON: Rural doesn't give them more latitude up there?

SENATOR HEATH: It depends on who it would give latitude to. It gives more latitude to the Enviro-nazis and gives less latitude to the farmers and the people that cut timber and the people who live along the river.

SENATOR NELSON: Enviro-nazis?

SENATOR HEATH: Enviro-nazi's, that's right.

SENATOR OLESON: Senator King, was I hearing right when you said that this was part of a plan that eventually the state of New Hampshire would control all our waterways in the state of New Hampshire?

SENATOR W. KING: No, you did not hear me right, Senator Oleson. What I expressed was my hope that one day all New Hampshire rivers would be in a management and protection program. That is not what this bill does, and I certainly did not say that the state of New Hampshire would control that. This bill and this law was crafted in such a way that it recognized that the state of New Hampshire's waters and that the protection of the purity of those waters and the amount of water that flowed through those rivers was an important asset that belonged to the people of the state of New Hampshire. The reason that I think that it is a good idea, is that what we have is between the state of New Hampshire and communities, a joining together and a system that is driven from the local community up, rather than the state making dictates on those communities, to protect the quality of water; to protect the quantity of water and leave the land use planning to local communities.

SENATOR OLESON: I have great hopes for you, but this is one of the hopes I hope isn't realized.

SENATOR W. KING: I believe that, Senator Oleson.

SENATOR HEATH: Senator King, I was astounded, really and truly, when you just talked about this as a joint cooperation between the local communities up. Two local communities, one in your district and one in mine, are vehemently opposed to this and what are you doing? You are shoving it down their throat. That is down. That's the opposite direction that the founding fathers of this country believed that the flow of power should go. How can you possibly make that ridiculous, ludicrous statement?

SENATOR W. KING: Senator Heath, let me first tell you that there are many, many people in our communities who are very strongly in support of this bill, in the two communities to which you refer. However, it's also important to notice that in the eight hours of hearings that we had on this bill, we listened to testimony and I think that we conducted ourselves, as a committee, in a very fair way. We listened to testimony from all different sides and the major issues of importance that were raised in those hearings have been dealt with in this bill. This recognizes the land use planning that currently exists along the river corridor of both Campton and Thornton. It recognizes the need to clarify language relative to the nomination process because that language was not clear in the legislation. What it does not recognize is the argument that this is going to be the camel's nose under the tent and that eventually, as you've said, the state is going to tell everybody how to use their land. There is no intent here, and as you know, every single piece of legislation that we consider, including some of those nearest and dearest to your heart, including collecting fines that are unpaid, can be considered as the camel's nose under the tent for New Hampshire's police powers.

SENATOR HEATH: Senator, would you believe that I don't think it's the camel's nose under the tent. I am beginning to think it's a dinosaur, *Tyrannosaurus rex's*, nose under the tent. What happens is you get a whole bunch of people who, would you believe, when you wave the green flag of environmentalism, who doesn't want to protect their rivers? We already have got protections on the flow which you suggested this is going to do. We already have protections on the quality. Witness Loon Mountain's difficulties in getting a piece of the flow. Certainly, the rivers have improved and continue to improve. I think there are a lot of people who just simply are environmentally conscious, as I am, and a conservationist, as I am, but who don't understand that what you are doing is environmental extremism in this legislation. And I don't blame those individuals who don't understand this legislation. I just hope that someday that they do understand that many of us who believe in good conservation practices and have supported conservation legislation see that this as an over-

powering piece of legislation taking away local control and taking away property rights. Would you believe that was a question?

SENATOR W. KING: Senator Heath, I believe that you are a conservationist that cares very deeply about the environment and that to some degree these are philosophical differences that probably won't go away. I think we've taken a lot of steps in the actions of our committee to resolve those philosophical differences, to tighten up the law so that it is more clear. But I think there is a philosophical difference that to some degree is not going to go away.

SENATOR HEATH: Don't you think, Senator King, that the better way to approach this is to purchase these portions of lands at a fair price, own them and manage them in the way that best benefits the river as opposed to doing this sort of sleight-of-hand against the fifth amendment?

SENATOR W. KING: Senator Heath, if this was indeed a taking of land rights, which it is not, then I might have some cause to consider that. But as you will recall, another Senator in this chamber, who was instrumental in the protection of the Wildcat River in Jackson, New Hampshire, on the federal level, stood against the idea of taking by eminent domain, property from individuals because we wanted to protect that river. Private property rights are very important to me and every member of the Senate Environment Committee and we would not sanction the idea of taking by eminent domain, something that the state just seemed to think was pretty.

SENATOR MCLANE: I first want to compliment the Chairman of the Environment Committee who has been through eight hours of the sort of questioning that Senator Heath has just shown on the floor. And again, and again, and again those people who supported this bill pointed out that this was not a land use bill, unless you're from the school that thinks that you should be able to do anything you want with your own land, including putting sewage in the river. There are two parts of the rivers management bill having to do with land use and those mostly have to do with stopping flowage into the river and with disposal of sewage. It seems to me that if anyone lives down stream of the Contoocook or the Pemigewasset and cares about clean water, that you should be in favor of this bill.

SENATOR HOLLINGWORTH: I sit on the Committee on Environment and I have to say that in the beginning, I was very concerned about this piece of legislation and my intern did practically nothing other than investigate the rivers bill, HB 674. I have to say that I am delighted to stand here today in full support of the legislation. I think that the committee, the subcommittee who worked on this,

tried to answer all the problems that were raised in front of us as a committee. They addressed the problems that were in Thornton and in Campton, two of the towns that you have heard mentioned by Senator Heath. They have, I think, tried to resolve every problem that was raised before our committee. The House passed this bill by a vote of 263 to 56. I think that the House represents and has many Representatives who live in that area and district, and I think that that clearly shows that the House was convinced that this legislation was good. I think now in the Senate, this legislation, as amended, is great and I would ask all of you to support it. I don't think it's a case of taking anyone's rights away. I think it's a case of insuring the rights of our citizens, those who live on the rivers, those that do business on the rivers, and those people down river, to clean future use of that river and I am very proud to stand here in total support of the legislation.

SENATOR RUSSMAN: Yes, I sat through the committee hearings, all of them, the full eight hours, and what we really saw was a bill that was certainly stronger and probably a better bill, get watered down and watered down and no pun intended, really, to the point where this is far, far, far from environmental extremism and this is a very tame piece of legislation that really offers a minimal amount of protection to something that belongs to all of us. And I certainly hope that we take the approach that the House did in its wisdom and follow their lead in passing, by a good margin, this piece of legislation.

Amendment to HB 674-FN

Amend RSA 483:15, VI and VII as inserted by section 1 of the bill by replacing them with the following:

VI. Pemigewasset River:

(1) As a natural river from the outlet of Profile Lake in Franconia to the southern boundary of Franconia Notch State Park.

(2) As a rural river from the Holderness — Ashland town line to the Franklin Falls flood control dam.

(3) As a rural-community river from the northernmost Thornton town line to the I-93 bridge in Plymouth.

(4) As a community river:

(A) From the I-93 bridge in Plymouth to the Holderness-Ashland town line.

(B) From the Franklin Falls flood control dam to its confluence with the Merrimack River.

VII.(a) Contoocook River — main stem:

(1) As a "rural river":

(A) From the Old Sharon Road Bridge in Jaffrey to Noone Falls Dam in Peterborough.

(B) From the North Peterborough Dam to the monument on the Peterborough — Hancock town line.

(C) From the North Bennington Road bridge in Antrim and Bennington to the confluence of the north branch of the Contoocook River in Hillsborough.

(D) From the Hosiery Mill dam in Hillsborough to the twin iron bridges in west Henniker.

(2) As a “community river”:

(A) From the outlet of Poole Pond in Rindge to Old Sharon Road bridge in Jaffrey.

(B) From the Noone Falls Dam in Peterborough to North Peterborough Dam.

(C) From the monument on the Peterborough — Hancock town line to the North Bennington Road bridge in Antrim and Bennington.

(D) From the confluence of the North Branch of the Contoocook River in Hillsborough to the Hosiery Mill Dam in Hillsborough.

(E) From the twin iron bridges in West Henniker to the confluence with the Merrimack River.

(b) Contoocook River — north branch:

(1) As a “rural river,” from the outlet of Rye Pond in Stoddard to the outlet of Franklin Pierce Lake.

(2) As a “community river,” from the outlet of Franklin Pierce Lake to the confluence of the Contoocook River.

Amend the bill by replacing all after section 5 with the following:

6 Nominations; Submission Procedure and Public Meeting. Amend RSA 483:6, I to read as follows:

1. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. **The completed nomination shall be submitted to the rivers coordinator on or before July 15 in order for it to be considered in the next legislative session.** This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, buildings, and other man-made structures; riparian interests and other pertinent instream and riverbank information. **The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The nominating party shall advertise the meeting in cooperation**

with the rivers coordinator, and the rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

7 Nominations; Comments and Criteria Required to be Considered. Amend RSA 483:6, III and IV to read as follows:

III. The rivers coordinator, in cooperation with the advisory committee, shall hold at least one public hearing in a community along the nominated river or segment of such river to receive public comment on the nomination. **Public hearing comments on the nomination, comments on the nomination from local boards and commissions, factors listed in RSA 483:6, IV(a) as further defined in rules adopted under RSA 483:11, II, and other public comments on the nomination submitted to the rivers coordinator shall be considered by the rivers coordinator and the advisory committee when preparing a recommendation for review by the commissioner.**

IV. The commissioner shall review the nomination within [30] 45 days. [If the commissioner determines that the river meets the criteria adopted by rules under RSA 483:11, II, the commissioner shall, before the next legislative session, forward the nomination to the general court for legislative review and approval according to RSA 483:7.] **The commissioner shall, in reviewing a nomination under this chapter, consider the following factors:**

(a) **Whether the river, or segment or segments of such river, contain or represent either a significant statewide or local example of one or more of the following:**

(1) Scenic or recreational resource.

(2) Open space or natural resource.

(3) Fisheries, wildlife, vegetation, and rare species or habitat.

(4) Cultural, historical, or archaeological resource.

(5) Hydrological or geological resource.

(6) Water quality.

(7) Scientific resource.

(8) Community resource.

(9) Current and projected withdrawals, discharges, or both, by public utilities and commercial or industrial users.

(b) **Public hearing comments on the nomination and other public comments submitted to the rivers coordinator.**

(c) **The recommendation of the rivers coordinator.**

(d) **The recommendation of the advisory committee.**

8 Nomination Forwarded for Legislative Approval. RSA 483:6, V is repealed and reenacted to read as follows:

V. If the commissioner, after reviewing a nomination and considering the factors in RSA 483:6, IV, determines that designation of the river, or segment or segments of such river, would be consistent with the purpose of this chapter, the commissioner shall forward the nomination to the general court for review and legislative approval according to RSA 483:7.

9 Local River Management Advisory Committees; Establishment; Duties. Amend RSA 483:8-a, I and II to read as follows:

I. The commissioner shall appoint a local river management advisory committee for each designated river or segment. Committee members shall be chosen from lists of nominees submitted by the local governing bodies of the municipalities through which the designated river or segment flows. [If a committee or commission which meets the requirements of RSA 483:8-a, II exists at the time a river or segment is designated, the commissioner may appoint the existing committee or commission to carry out the duties of a local river management advisory committee for a designated river or segment.] **The commissioner shall appoint at least one person from each municipality to the local river management advisory committee.** All members of such committees shall be New Hampshire residents.

II. Each committee shall be composed of at least 7 members who represent a broad range of interests in the vicinity of the designated river or segment. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. **If an interest is not represented by the local governing bodies' nominations, the commissioner may appoint a member from the vicinity of the designated river or segment, to the local river management advisory committee who will represent that interest.** County commissioners shall be permitted to nominate members to the local river management advisory committee in unincorporated towns or unorganized places. Each member shall serve a term of 3 years.

10 Rural-Community Classification Added. Amend RSA 483:7-a, I by inserting after subparagraph (b) the following new subparagraph:

(bb) Rural-community rivers are those rivers or segments which flow through developed or populated areas of the state and which possess existing or potential community resource values such as those defined in official municipal plans or land use controls. Such rivers have mixed land uses in the corridor reflecting some combination of open space, agricultural, residential, commercial and industrial land uses. Such rivers are readily accessible by road or railroad and may include impoundments or diversions. The following criteria and management objectives shall apply to rural-community rivers:

(1) The minimum length of any segment shall be 3 miles.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8, or have the potential for restoration to that level.

(3) Management of rural-community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for such uses as agricultural, forest management, public water supply, residential, recreational, commercial, industrial, flood control, and other community uses which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

11 Classification Clarified. Amend RSA 483:7-a, I(c) to read as follows:

(c) Community rivers are those rivers or segments which flow through **developed** or populated areas of the state and which possess [actual] **existing** or potential **community** resource values, **such as those identified in official municipal plans or land use controls**. Such rivers have [some residential or other building developments near their shorelines, are readily accessible by road or railroad, and may include some impoundments or diversions] **mixed land uses in the corridor reflecting some combination of open space, agricultural, residential, commercial and industrial land uses**. Such rivers are readily accessible by road or railroad, may include existing impoundments or diversions, or potential sites for new impoundments or diversions for hydropower, flood control or water supply purposes, and may include the urban centers of municipalities. The following criteria and management objectives shall apply to community rivers:

(1) The minimum length of any segment shall be one mile.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8, or have the potential for restoration to that level.

(3) Management of community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for **such uses** as agricultural, forest management, public water supply, residential, recreational, commercial, [and] industrial, **flood control and hydroelectric energy production** purposes which are compatible with the in-stream public uses of the river and the management and protection of the resources for which the river or segment is designated.

12 New Subparagraph; Rural-Community Rivers Protection Added. Amend RSA 483 by inserting after section 9-a the following new section:

483:9-aa Rural-Community Rivers Protection. The following protection measures shall apply to rivers or segments designated as a rural-community river:

I. No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.

II. Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing or breached dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated rural-community river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize stream-banks of designated rural-community rivers.

V. A protected in-stream flow level shall be established by the commissioner for each designated rural-community river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics of such river or segment pursuant to RSA 483-A:9-c.

VI. Water quality shall be restored or maintained at least at the Class B level. Significant adverse impacts on water quality or other in-stream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17 or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated rural-community river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated rural-community river or segment and any new solid waste landfill located within the corridor of a designated rural-community river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural-community river or segment;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural-community river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural-community river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated rural-community river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

13 Protection Measures Changed. Amend RSA 483:9-b, I and II to read as follows:

I. [No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.] **The department may approve permits for the construction of new dams for public water supply, flood control or hydroelectric energy production purposes if such construction is consistent with management and protection of the resources for which the river or segment is designated.**

II. [Notwithstanding paragraph I,] The department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing or breached dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing [or breached] dam for a significant distance; and

(c) The height of the impoundment is constant and, **for existing or breached dams**, is not raised above the maximum historic level of impoundment at that site.

14 Reference Corrected. Amend RSA 483:9-b, IV to read as follows:

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated [rural] **community** rivers.

15 Reference Changed. Amend RSA 483:11, II to read as follows:
483:11 Rulemaking.

II. Criteria for acceptance of nominations by the commissioner, including criteria listed in RSA 483:6, [V] **IV(a)**.

16 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill designates certain segments of the Pemigewasset, Contoocook, and North Branch of the Contoocook rivers as protected rivers under the rivers management and protection program. This bill extends the interim protection date for a portion of the Connecticut River. The bill expands what type of materials can be applied as fertilizer and are subject to the 250-foot minimum setback requirements.

In addition, this bill allows the commissioner of environmental services to appoint one person from each municipality to the local river management advisory committee. The bill reorganizes the RSA section dealing with procedures for nomination of a river or river segment for the program.

This bill also establishes a new river classification for protection which would be "rural-community."

Recess.

Out of recess.

President Dupont in the Chair.

A Roll Call was requested by Senator Hollingworth.

Seconded by Senator Currier.

The following Senators voted yes: W. King, Fraser, Hough, Disnard, Bass, Pressly, Nelson, Colantuono, McLane, Humphrey, Russman, Shaheen, Hollingworth, Cohen.

The following Senators voted no: Oleson, Heath, Roberge, Podles, J. King, St. Jean, Delahunty.

Yeas: 14

Nays: 7

Paired votes: Senator Blaisdell and Senator Currier.

Amendment Adopted.

Senator Blaisdell excused.

SENATOR W. KING: This floor amendment addresses the changes that were made in the law and merely puts into the session law the wording that explains about the new hydro that is allowed on community rivers, because new hydro wasn't originally allowed on community rivers. It says that new hydro will not be allowed on those, prior to the passage of this law, that were community rivers and will be considered on new community rivers in the future.

Senator W. King offered a floor amendment.

Floor Amendment to HB 674-FN

Amend RSA 483:9-aa, II(b) as inserted by section 12 of the bill by replacing it with the following:

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing dam for a significant distance; and

Amend the bill by inserting after section 15 the following and re-numbering the original section 16 to read as 17:

16 Community Rivers Designated Under Prior Law.

I. Rivers and river segments designated as community rivers prior to the effective date of this act shall continue to be managed and protected pursuant to the provisions of RSA 483:7-a and RSA 483:9-b under which such rivers and river segments were designated, and pursuant to the values, resources and characteristics addressed in the nomination submitted in support of such designation.

II. Rivers and river segments designated as community rivers under RSA 483:15, VII(2)(A), (B), (C), and (D) as inserted by section 1 of this act shall be managed and protected for the values, resources and characteristics addressed in the nomination submitted in support of such designation.

AMENDED ANALYSIS

This bill designates certain segments of the Pemigewasset, Contoocook, and North Branch of the Contoocook rivers as protected rivers under the rivers management and protection program. This bill extends the interim protection date for a portion of the Connecticut River. The bill expands what type of materials can be applied as fertilizer and are subject to the 250-foot minimum setback requirements.

In addition, this bill allows the commissioner of environmental services to appoint one person from each municipality to the local river management advisory committee. The bill also reorganizes the RSA section dealing with procedures for nomination of a river or river segment for the program.

This bill also establishes a new river classification for protection which would be "rural-community." Any river or river segment that was previously designated as a community river shall be continued to be managed and protected as a community river. In accordance with the definition of "community river" as it existed prior to its amendment in this bill.

Floor Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

Senator Russman in the Chair.

HB 709-FN, an act establishing a study committee relative to clear-cutting forest resources and extending the effective date for rule-making by the board of licensing for foresters. Environment committee. Ought To Pass With Amendment. Senator Fraser for the committee.

SENATOR FRASER: Mr. President, the committee was unanimous in its response to this House bill. It's a good bill and clearcutting should be studied; however, the bill has been amended and the committee was unanimous, that the House had gutted the bill to the extent that it was strictly a legislative committee that was going to be established. Our committee was unanimous that this should be

reverted back to the original bill which created a committee which is reported on page 21 of the calendar. If you want me to read them, I will, but it takes every segment, such as the Environment Committee, The Society for the Protection of New Hampshire Forests, The Timberland Owners, and on down the line. But it's now a very diverse committee and our committee was unanimous that this should be accomplished. We urge passage of the amendment.

Amendment to HB 709-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. It is hereby recognized that the application of clearcutting as a forestry practice may benefit the health and vigor of the forest resources, does encourage the reproduction of certain tree species, may benefit many wildlife species, and may enhance vista views. However, clearcutting may also cause adverse effects on forest productivity, some wildlife populations, water quality, and recreational or aesthetic qualities. Therefore, the general court must determine whether there is a need for regulation of this practice. To properly discharge this duty, the general court establishes a study committee for this purpose.

2 Study Committee Established.

I. There is hereby established a committee which will study and consider the need for legislation regarding a comprehensive clearcutting act to preserve and enhance the natural, aesthetic, and recreational resources of New Hampshire.

II. The duties of the committee shall be to meet to review the practice of clearcutting in the state, and to determine whether legislation should be enacted. If legislation is proposed, consideration shall be given to legislation that would:

(a) Define clearcutting.

(b) Distinguish forested areas in which clearcutting is appropriate.

(c) Establish size limitations for clearcuts, if needed.

(d) Address clearcutting along shorelines.

(e) Establish minimum standards for best forestry practices to accomplish clearcutting.

(f) Include a method of financing the equitable enforcement of such a statute.

(g) Include other provisions relative to the regulation of clearcutting.

III. The study committee shall also investigate the findings on clearcutting of other New England states, and its recommendations shall be in the form of a report to be submitted by November 1, 1991, to the governor, the president of the senate, and the speaker of the

house. A study committee goal will be to distribute this report to the general public as widely as possible, using ongoing appropriate public and private program efforts.

IV. The membership of the committee shall be comprised of the following:

(a) Two members of the house of representatives, appointed by the speaker of the house, one of whom shall be from the resources, recreation and development committee.

(b) One member of the senate environment committee, appointed by the senate president.

(c) One member nominated by each of the following organizations or groups:

(1) The Society for the Protection of New Hampshire Forests.

(2) The New Hampshire Timberland Owners Association.

(3) A forester nominated by the Association of Consulting Foresters of New Hampshire and the Granite State Division of the Society of American Foresters.

(4) The Audubon Society of New Hampshire.

(5) The wood products industry.

(6) The New Hampshire Chapter of the Sierra Club.

(d) One member from each of the following state agencies, which member may be the commissioner, the executive director, or any designee:

(1) The department of resources and economic development, division of forests and lands.

(2) The fish and game department.

V. The members designated in subparagraphs IV(c) and (d) shall be appointed by the governor and council.

VI. The governor shall appoint a chairman of the committee.

VII. The committee shall serve without compensation, but legislators shall be entitled to legislative mileage when performing duties in connection with the committee.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a legislative study committee to consider legislation regarding a comprehensive clearcutting act. The legislation would look to preserving the state's forest resources while safeguarding the aquatic, wildlife, recreational, and aesthetic resources of the state.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

Senator Russman in the Chair.

HB 742-FN, an act relative to excavation. Environment committee. Ought To Pass With Amendment. Senator W. King for the committee.

SENATOR W. KING: What we have here is a miracle, frankly. And a lot of the credit for that goes to Senator Shaheen, Representative Jeb Bradley from Wolfeboro, and many, many others who worked very hard to come to consensus between the business community and the environmental community on a gravel bill that clears up the problems with currently existing law. Now I know that every year we have to clear up the problems with currently existing law. We may have to continue to do that. But this takes a giant leap forward and represents consensus building at its best and I urge the support of the Senate and will offer a floor amendment to fix one word in the bill that came out wrong in the amendment.

SENATOR HEATH: Senator King, why is it a miracle when environmental interests and business interests work together? Are these the antithesis in your lexicon?

SENATOR W. KING: Absolutely not, Senator Heath. In fact, the members of the Environment Committee, from the very beginning of this year, have recognized that particularly during these recessionary times it is absolutely essential to do everything that you can to balance environmental and economic interests in the state of New Hampshire. Senator Shaheen and Representative Bradley clearly understood that when they sat down with the people from the private sector and worked out what was an agreement that had a little something for everyone to dislike, a little something for everyone to like, but that cleared up a lot of the problems in the currently existing law. It is our duty to balance those interests and Senator Shaheen and the others who worked on that should be commended for that.

SENATOR HEATH: Would you believe I share in commending anybody who works on legislation and achieves the compromises that are difficult? I just wondered if the term "miracle" takes quite a high standard and it seems to me that you were pricing the poles of the question between business and environment and I thought that New Hampshire people, would you believe, had a pretty good record on the environment?

SENATOR W. KING: Thank you, Senator Heath. I will just correct that record to say a minor miracle and express to you that, as you

know, gravel bills in this House and in this Senate have been particularly divisive and for the first time, we have a resolution that brings everybody into agreement on the concept, and I think that is a step forward for public policymaking in New Hampshire and for the way that we resolve problems in our committees.

SENATOR OLESON: Senator King, they say the days of miracles have passed; however, would you believe, that a miracle happened last year, where my daughter built a house within a certain pond? The miracle is, if this bill had been in place at that time, that she wouldn't have been able to. I have a second question, Mr. President. Mr. King, the second would be, and if you would like to answer them in conjunction, that is okay. The miracle is this bill wasn't passed many years ago, because if it had been, the industry that we happen to have in my district, it wouldn't have been possible to have that industry. I might have had to inhabit the southern part of the state, heaven forbid!

SENATOR W. KING: I couldn't agree with you more in terms of inhabiting the southern part of the state, Senator Oleson; however, I happen to love the north country. I happen to like to sit in my bed in the morning and have a cup of coffee and watch the goldfinches at the feeder. The fact is that this would not have any impact on the building of a house, Senator Oleson, and I think that you are referring to the floor amendment that will be offered that relates to setback requirements. That setback requirement is only for gravel pits.

SENATOR MCLANE: I wish to speak to the miracle as well. The saint in this miracle is Jeb Bradley, who was the Chairman of the subcommittee in the House. I had never seen the famous lobbyist, Chris Gallagher, in action on gravel, but I had heard about it for many years. Anyone who can take on Chris Gallagher and meet him halfway — and I believe that the amendment that you have before you is a perfect case in point — Jeb Bradley wanted “no excavation shall be permitted within 150 feet of any pond or navigable river” and I have here some pictures that were taken of the river right down here in Suncook and what the gravel has done to that river, if anyone would like to see them. But they compromised at 75 feet and we have the miracle here before us and I would speak in strong support.

SENATOR SHAHEEN: I would just like to echo Senator King and Senator McLane and say that I think we all ought to commend, not only Representative Bradley, but also the lobbyists on both sides of the issue. None of us got exactly what we wanted, but we all got, I think, a better bill and more protection for the environment and I think that is only going to benefit everyone in the state.

Amendment to HB 742-FN

Amend the bill by replacing paragraph II of section 1 of the bill with the following:

II. The purpose of this act is to further clarify the definitions of excavations which are exempt from permits under the law but are subject to the express standards set forth in the act and to provide regulators at the local level with clear powers to make such standards more stringent in circumstances where permits are required. The act is also intended to clarify certain technical and legal uncertainties enacted in the 1989 law and to provide local regulators with powers to ensure environmentally sound site operating procedures and reclamation, and to further clarify the special exception criteria set forth in the 1989 law.

Amend the bill by replacing section 2 with the following:

2 Excavation Adherence to Bylaws. Amend RSA 31:41-b to read as follows:

31:41-b Hazardous Embankments. Towns shall have the power to make bylaws regulating hazardous embankments, including the removal, stabilization, or fencing thereof, for the protection of the health and safety of the public. Whoever violates any such bylaw shall be guilty of a violation for each offense and the penalty therefor shall inure to such uses as the town may direct. Regulation of "excavation" as defined in RSA 155-E:1, II shall be in accordance with RSA 155-E, **but any hazardous embankment resulting from excavation, whether undertaken prior to, on, or after August 4, 1989, may be subject to bylaws made under the authority of this section.**

Amend the bill by replacing sections 4 and 5 with the following:

4 Existing Excavations; Regulation. Amend the introductory paragraph of RSA 155-E:2, I to read as follows:

I. Existing Excavations. The owner of an excavation which lawfully existed [and was in use on or before] **as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979,** may continue such existing excavation on the excavation site without a permit, subject to the following:

5 Existing Excavations; Express Standards; Change from Site to Area. Amend RSA 155-E:2, I(c) and (d) to read as follows:

(c) Such an excavation shall be performed in compliance with the **express** operational standards of RSA 155-E:4-a and the **express** reclamation standards of RSA 155-E:5 and 155-E:5-a. Any violations of those standards shall be enforceable pursuant to RSA 155-E:10.

(d) The owners or operators of any existing excavation [site] **area** for which no permit has been obtained under this chapter shall file a report with the local regulator within one year after receiving written notice of this requirement from the regulator and in no case later than 2 years following [the effective date of this subparagraph] **August 4, 1989**. The report shall include:

Amend the introductory paragraph of RSA 155-E:2, II(a) as inserted by section 7 of the bill by replacing it with the following:

(a) For purposes of this section, any excavation, **except for excavations or excavation sites described in RSA 155-E:2, III**, whether subject to a permit under this chapter or not, for which the affected area has not yet been brought into complete compliance with the reclamation standards of RSA 155-E:5 shall be deemed "abandoned" if [excavation occurred on the site any time subsequent to August 24, 1979, and]:

Amend RSA 155-E:2, II(a)(2) as inserted by section 7 of the bill by replacing it with the following:

(2) The excavation site is [still] in use **and is not an excavation or excavation site as described in RSA 155-E:2, III**, but [the owner or operator of the excavation has not, within 3 years of the effective date of this section, either brought the area affected by the excavation into compliance] **does not conform** with the incremental reclamation requirement of RSA 155-E:5-a, **or the owner or operator has not posted a bond or other security[,] and submitted a reclamation timetable to be approved by the regulator** as described in subparagraph [(1)] (a)(1); or

Amend RSA 155-E:2, III(a) as inserted by section 8 of the bill by replacing it with the following:

(a) No permit shall be required under this chapter for excavation from an [area] **excavation site** which on [the effective date of this section is] **August 4, 1989**, was contiguous to or [is] **was** contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such [areas] **excavation site**. Such excavation shall be performed in compliance with the operational standards [of] **as expressly set forth in RSA 155-E:4-a** and the reclamation standards [of] **as expressly set forth in RSA 155-E:5 and 155-E:5-a**, **which express standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this paragraph. Loss of such non-permit status shall be preceded by written notice from the regulator that the excavation is not in compliance and the owner shall have failed to bring such excavation into compliance within 30 days of receipt of such notice. Such excavation [and] may be expanded without a permit under this chapter to any contiguous**

lands which [are] **were** in common ownership with the site of the plant on [the effective date of this section] **August 4, 1989**, except as limited by RSA 155-E:4-a, I, II, and III.

Amend the bill by replacing section 10 with the following:

10 Reclamation Plan; Effects to be Addressed. RSA 155-E:3, VI is repealed and reenacted to read as follows:

VI. A plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 and RSA 155-E:5-a. Such plan shall address the effects of the proposed excavation on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and may address future land use consistent with the approved master plan, and shall include a timetable for reclamation of fully depleted areas within the excavation site during said project;

Amend the bill by replacing sections 12 and 13 with the following:

12 Special Exception Criteria Expanded. Amend RSA 155-E:4, III to read as follows:

III. When the excavation is not permitted by zoning or other applicable ordinance, provided, however, that in municipalities which have commercial earth resources on unimproved land within their boundaries, and which do not provide for [reasonable opportunities for excavation of some of those resources] **opportunities for excavation of some of these resources in at least some, but not necessarily all areas within the municipality**, or in municipalities which have zoning ordinances which do not address the subject of excavations, excavation shall be deemed to be a use allowed by special exception as provided in RSA 674:33, IV, **in any non-residential area of the municipality**, and the zoning board of adjustment shall grant such a special exception upon a finding that:

(a) The excavation will not cause [an unreasonable] a diminution in area property value or unreasonably change the character of the neighborhood;

(b) The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof; [and]

(c) The excavation will not create any [unreasonable] nuisance or create health or safety hazards; **and**

(d) **The excavation complies with such other special exception criteria as may be set out in applicable local ordinances.**

13 Prohibited Projects; Permit not Granted. RSA 155-E:4, VII is repealed and reenacted to read as follows:

VII. When the excavation requires land use permits from state or federal agencies; but the regulator may approve the application when all necessary land use permits have been obtained; or

Amend the bill by replacing all after section 14 with the following:

15 Section Heading; Minimum and Express Operational Standards. Amend the section heading of RSA 155-E:4-a to read as follows:

155-E:4-a **Minimum and Express** Operational Standards.

16 New Paragraph; Excavations; Setback Requirements. Amend RSA 155-E:4-a by inserting after paragraph II the following new paragraph:

II-a. No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 25 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I or any other wetland greater than 5 acres in area as defined by the water resources division.

17 Reference Change; Water Supplies. Amend RSA 155-E:4-a, IV to read as follows:

IV. Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods. Excavation practices which result in **continued** siltation of [streams] **surface waters** or **any** degradation of **water quality of any public or private** water supplies are prohibited. [For excavation projects which require a permit from the division of water supply and pollution control pursuant to RSA 149:8-a, the provisions of that statute, and rules adopted under it shall supersede this paragraph. The excavator shall file a copy of the permit issued under RSA 149:8-a with the regulator.]

18 Change from Site to Area; Reclamation Bond. Amend RSA 155-E:4-a, VII to read as follows:

VII. Prior to the removal of topsoil or other **overburden** material from [a new excavation] **any land area that has not yet been excavated**, the excavator shall file a reclamation bond or other security as prescribed by the regulator, sufficient to secure the reclamation of the [site] **land area to be excavated**.

19 Minimum and Express Reclamation Standards; Soil Replacement. Amend the introductory paragraph of RSA 155-E:5 to read as follows:

155-E:5 **Minimum and Express** Reclamation Standards. Within 12 months after the expiration date in a permit issued under this chapter, or of the completion of any excavation, [whether subject to permit or not,] whichever occurs first, the owner of the excavated land shall have completed the reclamation of the areas affected by the excavation to meet each of the following minimum [conditions] **standards or when such excavation is not subject to a permit under this chapter pursuant to RSA 155-E:2, to meet each of the following express standards:**

20 Reclamation Standards; Slopes. Amend RSA 155-E:5, III to read as follows:

III. All slopes, except **for** exposed ledge, shall be graded to natural repose for the type of soil of which they are composed **so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the regulator.** [but shall not in any case be left steeper than 2:1 without an exception under RSA 155-E:5-a.] Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

21 Reference Change. Amend RSA 155-E:5, V to read as follows:

V. The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For excavation projects which require a permit from the division of water supply and pollution control pursuant to RSA [149:8-a] **485-A:17**, the provisions of that statute, and rules adopted under it, shall supersede this paragraph as to areas of excavation sites covered thereby. The excavator shall file a copy of permits issued under RSA [149:8-a] **485-A:17** with the regulator.

22 Incremental Reclamation; Reclamation Plan Required. Amend RSA 155-E:5-a to read as follows:

155-E:5-a Incremental Reclamation. **Except for excavation sites of operating stationary manufacturing plants**, any excavated area of 5 contiguous acres or more, which [either] is depleted of commercial earth materials, excluding bedrock, or **any excavation** from which [no] earth materials **of sufficient weight or volume to be commercially useful** have **not** been removed for a 2-year period, shall be reclaimed in accordance with RSA 155-E:5, within 12 months following such depletion or 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. **Each operator, other than the operator of stationary manufacturing plants which are exempt from permit requirements pursuant to RSA 155-E:2, III, shall prepare and submit for the regulator's record a reclamation plan for the affected land, including a timetable for reclamation of the depleted areas within the reclamation site.**

23 Issuance of Permit. Amend RSA 155-E:8 to read as follows:

155-E:8 Issuance of Permit. If the regulator after the public hearing approves the application for a permit and determines it is not prohibited by RSA 155-E:4 it shall, upon receipt of an excavation fee determined by the regulator not to exceed \$50 and the posting of a bond or other such surety with the municipal treasurer in an amount, as it requires, reasonably sufficient to guarantee compliance with the permit, grant a permit to the applicant for an excavation. A copy of the permit shall be prominently posted at the

excavation site or the principal access thereto. A permit shall not be assignable or transferable without the prior written consent of the regulator. A permit shall specify the date upon which it expires. The regulator may include in a permit such reasonable conditions as are consistent with the purpose of this chapter **and may include requirements for a permit for excavation which are more stringent than the standards set forth in this chapter** including the provision of visual barriers to the excavation.

24 Local Regulations; Higher Standard to Control. Amend RSA 155-E:11, I to read as follows:

I. The regulator may adopt such regulations as may be reasonably necessary to carry out the provisions of this chapter, including adopting a permit fee schedule. **Whenever such local regulations differ from the provisions of this chapter, the provision which imposes the greater restriction or higher standard shall be controlling, except that no local regulation shall supercede the sole applicability of express standards under RSA 155-E:2, I, III, and IV.**

25 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies several sections of, and terms used in, RSA 155-E, and provides more stringent requirements under several sections of the chapter, especially regarding operational and reclamation requirements.

The bill removes the current limitation in the definition of "abandoned" excavation which requires excavation to have occurred after August 4, 1979. The bill also requires that a commercially useful amount of material be removed to prevent designation of a site as abandoned, and shortens the period during which an abandoned site must be reclaimed or have an approved reclamation timetable submitted to the local regulator.

The bill requires abandoned excavation sites which are found to pose a threat to public health or safety to meet the reclamation requirements of the chapter, regardless of the length of time the site has been abandoned.

The bill subjects all hazardous embankments resulting from excavations to the town regulatory powers granted under RSA 31:41-b.

The bill also requires excavation sites for highway construction to comply with certain environmental, visual, and safety standards and requires all permit applications to address various pollution, fuel storage, and safety concerns.

The bill prohibits siting of excavation sites near most water bodies. The bill also removes the waiver requirement for permitting certain excavations below stated heights above the water table.

The bill requires, to the greatest extent possible, reclamation of the site with the earth disturbed by the excavation.

The bill also specifies that the statutory operational standards are minimum and express standards.

Amendment Adopted.

SENATOR W. KING: Senator Heath, has thrown me off stride. The floor amendment that you have before you just corrects a single word that was wrong. It does not make any policy change at all.

Senator W. King offered a floor amendment.

Floor Amendment to HB 742-FN

Amend the bill by replacing section 16 with the following:

16 New Paragraph; Excavations; Setback Requirements. Amend RSA 155-E:4-a by inserting after paragraph II the following new paragraph:

II-a. No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 25 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I or any other wetland greater than 5 acres in area as defined by the wetlands board.

Floor Amendment Adopted.

Ordered To Third Reading.

HB 745-FN, an act relative to sewage disposal systems. Environment committee. Ought To Pass With Amendment. Senator Fraser for the committee.

SENATOR FRASER: HB 745 is a bill that now requires that new plans for septic systems be recorded at the Registry of Deeds. It also includes an increase in fees from \$80 to \$100 to cover those costs. It also provides for collection of the Registry of Deeds' filing fees to cover those costs. Mr. President, this is a good bill. It was unanimously adopted by the committee and we urge its passage.

Amendment to HB 745-FN

Amend RSA 485-A:30, I as inserted by section 3 of the bill by replacing it with the following:

485-A:30 Fees.

I. Any person submitting plans and specifications for a subdivision of land shall pay to the division a fee of [\$80] **\$100** per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee of [\$80] **\$100** for each system. Said fee shall be for reviewing such plans and specifications, making site inspections, and for the administration of sludge and septage management programs. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the treasurer as unrestricted revenue. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

Amend the bill by replacing section 4 with the following:

4 New Subparagraph; Application of Receipts; Sewage Disposal System Fund. Amend RSA 6:12, I by inserting after subparagraph (nn) the following new subparagraph:

(oo) Money received under RSA 485-A:30, II, which shall be credited to the sewage disposal system fund.

Amendment Adopted.

Ordered To Third Reading.

HB 750-FN, an act establishing a committee to study the development of a waste-tire management program. Environment committee. Ought To Pass With Amendment. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The Committee on Environment asks you to pass HB 750 as amended. The bill creates a study committee regarding the development of waste-tire management. The amendment establishes three new members to the committee, which is already a very large committee, but we in Environment are always willing to amend to make people happy. So we added a new member from the tire industry and one member from the Municipal Association, and one member from the public, appointed from the Governor. We ask your support on HB 750.

Amendment to HB 750-FN

Amend paragraph IV of section 1 of the bill by replacing it with the following:

IV. The membership of the committee shall be comprised of the following:

(a) One member from the department of transportation, appointed by the governor.

(b) One member from the department of environmental services, appointed by the governor.

(c) One member from the office of state planning, appointed by the governor.

(d) One member of the house environment and agriculture committee, appointed by the speaker of the house.

(e) One member of the senate environment committee, appointed by the senate president.

(f) One member from the business community, appointed by the governor.

(g) One member from the New Hampshire Resource Recovery Association, appointed by the association.

(h) One member representing the tire industry, appointed by the governor.

(i) One member from the New Hampshire Municipal Association, appointed by the association.

(j) One member of the public, appointed by the governor.

AMENDED ANALYSIS

This bill establishes a study committee relative to the reuse in the state of waste tires and developing a waste tire management program.

Amendment Adopted.

Ordered To Third Reading.

HB 751-FN, an act concerning the procedure for local enforcement of certain state environmental laws. Environment committee. Ought To Pass With Amendment. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The Committee on Environment would ask this body to vote Ought to Pass as Amended on HB 751. This bill allows towns and municipalities to take over enforcement of certain environmental laws after notice to the Attorney General's Office and to DES. It requires 30 days for agencies to take action before the cities and towns act. We ask Ought to Pass with Amendment.

Amendment to HB 751-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Illegal Waste Disposal Enforcement. Amend RSA 149-M:12 by inserting after paragraph V the following new paragraph:

VI. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action.

2 Wetlands Enforcement. Amend RSA 482-A:14-b to read as follows:

482-A:14-b Removal; Restoration; Equity Relief.

I. Whoever fails, neglects or refuses to comply with this chapter or rules adopted under this chapter, or an order or condition of a permit issued under this chapter, or misrepresents any material fact made in connection with any activity regulated or prohibited by this chapter, whether or not the owner of the land in question, shall be liable for the removal of fill, spoil or structure placed pursuant to such a violation and the restoration of any wetlands disturbed in connection with the violation. The superior court shall have jurisdiction to order such relief and such additional relief in equity as may be appropriate.

II. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right, dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action.

3 Drinking Water Enforcement. Amend RSA 485:20 to read as follows:

485:20 Injunctions.

I. The superior court shall have power to issue injunctions restraining any person from violating the provisions of [the preceding section] RSA 485:17 or 485:19.

II. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of RSA 485:17 or 485:19. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right, dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action.

4 New Paragraph; Terrain Alteration Enforcement. Amend RSA 485-A:22 by inserting after paragraph III the following new paragraph:

III-a. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of RSA 485-A:17, or any rule or order issued under that section. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action.

5 Sewage Disposal Enforcement. Amend RSA 485-A:44 to read as follows:

485-A:44 Injunction to Enforce.

I. On application of the division, the superior court or any justice of the court, in term time or in vacation, may enjoin any act in violation of this subdivision.

II. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this subdivision. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services,

who may take such action as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right, dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action.

6 Effective Date. This act shall take effect January 1, 1992.

AMENDED ANALYSIS

This bill establishes the procedure for municipalities to follow to obtain injunctive relief against existing or impending violations of certain state environmental laws.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

President Dupont in the Chair.

HB 753-FN, an act redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate. Environment committee. Ought To Pass. Senator McLane for the committee.

SENATOR MCLANE: The authority on composting . . . This bill redefines compost. It was originally defined as just yard debris with layers of animal manure or layers of chemical fertilizer and it encourages the state agencies to use compost in planting and building and to use New Hampshire compost. The bill is a result of the report of the subcommittee on solid-waste rules, the task force in DES.

Adopted.

Ordered To Third Reading.

HB 780-FN, an act relative to water treatment plant operators and fees for water system permits. Environment committee. Ought To Pass With Amendment. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The Committee on Environment would ask Ought to Pass with Amendment on HB 780. This bill was brought in to answer some of the problems that were addressed last year when we were charging very high fees for all cities and towns

for safe drinking water. This bill would change that high cost and make it more fair for those small communities that objected to the high fee that was in place before.

Amendment to HB 780-FN

Amend RSA 485:41, VIII as inserted by section 3 of the bill by replacing it with the following:

3 Water System Permit Fees. Amend RSA 485:41, VIII to read as follows:

VIII. Adopt a fee system in recognition of services provided [for the] **by the water supply engineering bureau including the** issuance of an operational permit for public water systems subject to this chapter. The division shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems per year shall be [\$600 for all systems serving more than 100 people,] **\$400**, but in no case shall the fee exceed \$10 per household or household equivalent. The fee category for non-transient and non-community systems shall be [\$200] **\$150** per year. All fees shall be paid to the division for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the [salary] **salaries**, benefits and expenses [for the permanent full-time employees] **of the staff** in the division's **drinking** water supply [engineering bureau] **program** [operation permits section]. Any revenues generated in excess of the costs of funding the **drinking** water supply [engineering bureau] **program's expenses**, [operation permits section,] shall lapse to the general fund at the close of each fiscal year to be used to offset the future general fund appropriation for the water supply [engineering bureau] **program**.

AMENDED ANALYSIS

The bill continually appropriates a special fund containing certain fees into a revolving fund to be used by the division of water supply and pollution control for the purchase of materials to assist water treatment operators to achieve certification.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

Senator Delahunty in the Chair.

Recess.

Out of recess.

President Dupont in the Chair.

HCR 11, an act relative to abortion drug RU486. Judiciary committee.

Inexpedient To Legislate For The Majority. Senator Podles for the committee. Ought To Pass For The Minority. Senator Russman for the committee.

SENATOR RUSSMAN: Mr. President, I rise to offer the substitute motion of Ought to Pass on behalf of the Judiciary Committee minority and to urge my colleagues to support this motion. HCR 11 provides us with an opportunity to speak out in support of the right to choose and the right of American women to have the options in which they should have to choose from. The resolution also speaks of the necessity of maintaining the integrity of scientific research unimpeded by political considerations. The situation is this. Because the drug RU 486 was primarily developed for and is currently being used for abortions, pressure from those who oppose the right to choose has resulted in limitations on the ability of American researchers and scientists to explore the full spectrum of the potential use of this drug. Since 1988 more than 65,000 women in France have used RU 486 in conjunction with prostaglandin as an alternative to surgical abortion in the early weeks of pregnancy. Next year, women in Great Britain and Scandinavia will also have this option. But we are not even close to determining whether or not this option should be made available to American women because our medical and scientific community is unable to proceed with the necessary research and testing. Research in other countries has identified other potential uses for RU 486 in the treatment of breast cancer, brain tumors, hormonal disorders such as Cushing's syndrome, even as an aid of inducing labor and as a possible new oral contraceptive. But in the United States such research is stymied because of the controversy over abortion.

HCR 11 says that the normal procedures governing the research and testing of new drugs in this country should proceed and that the manufacturer of RU 486 should be encouraged to take the necessary steps to get the process going. But the resolution does not suggest that RU 486 should immediately be made available as an abortion option for any other purpose. Nor does it suggest that normal FDA approval standards be waived. All HCR 11 asks is that the many possible uses of RU 486 be subject to the same rigorous scientific scrutiny in testing that has always been identified with the way that this country goes about the research and development of new drugs. By suggesting that clinical trials for FDA approval take place in New Hampshire, HCR 11 is not offering up New Hampshire women

as guinea pigs, as some editorial writers would have us believe. Standardized clinical trials are carefully monitored scientific tests that involve only fully informed and willing participants who, for a variety of reasons, are interested in contributing to this aspect of the medical process. The bottom line is this. A certain political agenda is holding up U.S. exploration of the potential uses of RU 486. Two thousand scientists, the American Public Health Association, The American Association for the Advancement of Science and The American Medical Association have all called for research and testing of RU 486 here in the United States. And the American Medical Association has specifically decried the "non-medical reasons" why such research is being held up. By passing HCR 11, the New Hampshire Legislature joins with these representatives of our internationally recognized medical and scientific establishment in urging that the politics be taken out of the path of scientific inquiry. I urge my colleagues to support the substitute motion of Ought to Pass.

SENATOR HEATH: Senator Russman, do you believe that there is a purpose for clinical testing on drugs?

SENATOR RUSSMAN: I am sure that there is.

SENATOR HEATH: Do you believe it's to discover whether it's harmful or not?

SENATOR RUSSMAN: In part, I think that is true.

SENATOR HEATH: Do you believe that this suggests that New Hampshire be used as an area for clinical testing?

SENATOR RUSSMAN: I think that is appropriate under the circumstances, yes, I do.

SENATOR HEATH: Would you therefore, as an economic measure or for any other reason, suggest that New Hampshire women and men be used for guinea pigs for all drug testing?

SENATOR RUSSMAN: I'm not sure that I understand the question, Senator.

SENATOR HEATH: Well, I guess by way of explaining it, if you agree that this invites people to test on a drug that could be dangerous, to see if it is dangerous, would you extend that as part of an economic policy, or for whatever reason, to invite all drugs to be tested in New Hampshire, on New Hampshire men, women and children?

SENATOR RUSSMAN: I don't think you can take this case here and just put it across the board and say "all drugs", Senator. I think that we already are doing some testing in the National Cancer Insti-

tute here in New Hampshire, if I am not mistaken. And at the same time, I think that the safety aspects of this drug, for people that are fully informed and people that are willing to have that option, be it for termination of pregnancies in the early stages in a safe manner or the potential saving of thousands of lives in this country for breast cancer, is an important scientific process in the progress that should take place on it.

SENATOR HEATH: You believe that the patient is the one that should determine whether they are involved in a drug test?

SENATOR RUSSMAN: I think the person who would be involved with it is the person that should have some say so over that, yes, ultimately.

SENATOR HEATH: Do you believe that they would have enough information to know whether they were taking a chance with their life and their health?

SENATOR RUSSMAN: Well, I think the reality of it is, Senator, that every time that we take a drug, we do take a risk. Whether it is aspirin or something else. Thousands of people have died from the use of aspirin. Thousands of people have died from the use of penicillin, or at least I'll say hundreds. As matter of fact we even had a Senator here in this chamber just last week who was given some medication after coming out of the hospital and he had to return because he had developed serious heart problems all of a sudden because of the medication. So I mean there is risk associated with every medication that we take, whenever we take it. I think that that's a calculated risk that the scientific community and the people as a whole agree to take.

SENATOR HEATH: Would you believe that we should focus that risk on this one entirely in the state of New Hampshire ?

SENATOR RUSSMAN: I don't see anything wrong with that, Senator.

SENATOR PODLES: I rise in opposition to the motion of Ought to Pass. HCR 11 is a House Concurrent Resolution and under the rules of the House, a House Concurrent Resolution is used to put the Legislature on record as supporting some aspect of national or state policy. The proposal to invite the manufacturer of the French abortion pill, RU 486, to perform clinical trials in New Hampshire is an ill-advised political attempt to bypass the drug approval process of the Food and Drug Administration. Clearly, RU 486 should be treated as any other drug and be subjected to testing and approval by the FDA. The Resolution before us leads one to believe that this

drug is safe and without any inherent dangers, and perhaps even a benefit in treating certain diseases. We are told this is not true. Very little is known about the possible dangers, the risks and side effects to the women who take the pill. Well then, since its claims cannot be substantiated, and its dangers are inherently suspect, why are we rushing on this? Our constituents elected us and they expect more from us than making women in New Hampshire guinea pigs in a worldwide money game. That such a resolution would even be considered in New Hampshire is very disturbing and to become involved in this arena with legislative actions which cannot be properly debated with any scientific valid evidence is more disturbing. We all know that the resolution is not binding and it does not have the force of law, but the media's attention is evidence that this resolution may be more far reaching than any bill passed in the legislature and regardless of your position on the abortion issue, it still recommends, it endorses, and it encourages a particular method of abortion.

Senator Russman's position on the Children's Bill of Rights was the most reasonable approach. He voted against the resolution because he opposed the policy and he felt that it would be ill advised and unwise for the legislature to take official action on a public policy position that was so divisive and controversial, especially on such a critical issue. Such an approach should apply here as well and it ought to be the standard by which the legislature disposes of resolutions; however, Senator Russman today took a different view. I have before me almost 900 petitions that have been given to the committee objecting to HCR 11 and the reason is because it is inappropriate for the New Hampshire legislature to involve itself in the medical protocol decisions of the FDA. I urge you all to reject HCR 11. This is a golden opportunity for the New Hampshire State Legislature to lead the way for the rest of the country.

SENATOR MCLANE: I thought I would begin my talk this morning on RU 486 by quoting the French inventor of this medication whose name is Doctor Etienne-Emile Baulieu. He said of the opposition to this drug "they are really anti-women" and I would agree with this statement. Here we have a safe, effective medical option for family planning which is 96 percent effective and used in 15 countries. Sixty-five thousand French women in 800 medical centers have been given this drug. Its advantages are that it is non-invasive, is non-surgical, does not require an anesthetic, and most particularly, it can be used much earlier in a pregnancy. RU 486 is not a contraceptive, but a contragestive and that is an important distinction. Once four years ago in a debate on whether life begins at conception, I had the temerity to ask Senator Robert Preston to answer

me if he thought that the use of an IUD, intrauterine device, was murder. Not only did he refuse to answer my question, but he appealed to the chair to make me stop asking those sorts of questions. The point is, is that those who do not believe in the testing of RU 486 really don't believe in birth control. Ninety-two percent of fertile, sexually-active women in America today use birth control. Even the famous pill can cause someone to become pregnant. One out of sixteen using the pill becomes pregnant. I stand before you here today as an authority on failed birth control measures. One half of the 15 million abortions each year are due to contraceptive failure and yet the far right has prevented research into this birth control. Here is the most promising breakthrough in reproductive technology in decades and yet in June of 1989, at the urging of Senator Jesse Helms, Representative Henry Hyde, Robert Dornan and others, Congress petitioned the FDA to ban the import of RU 486 into the United States for private use. Did these people know and do you know of RU 486's potentially tested use in the treatment of breast cancer, testicular cancer, meningioma, an inoperable brain tumor, endometriosis which may cause infertility, for inducing labor in difficult births, thus reducing the need for Cesarean sections, in the treatment of any hormonal abnormality, for such diseases as glaucoma, or diseases of the adrenal or the pituitary glands? How would you feel if a potentially effective antiprogesterone drug, such as the one used in President Bush's thyroid problem or for President Kennedy's adrenal problems, or one that could be used on one of your loved ones who might be among 43,000 women who die each year of breast cancer, if these drugs were forbidden to be tested and used in the United States? Political interference in medical research should not be tolerated. This is an important and brave first step for New Hampshire to take in good medical research to help women and to help family planning.

SENATOR HUMPHREY: Well, Mr. President, this body has spoken a number of times on the abortion issue and the vote tally on those occasions has made it very clear that there is a pro-choice majority in the State Senate as it is now constituted. By that yardstick, one would think that this Resolution would be on greased skids, that its passage would be assured and yet evidently, that is not the case. Evidently, it is going to be a close vote. I hope so, and if it is a close vote, that would seem to indicate that some Senators who ordinarily style themselves as pro-choice, have at least mixed emotions about this Resolution that is now before us. And I can't know why exactly some pro-choice Senators might be feeling mixed emotions about this, perhaps might even be considering voting against the Resolution. I can't know that, but I can surmise. And I'd like to surmise on

a couple of points if I may? First of all, I would like to suggest to my colleagues that there are a couple of very serious misstatements of fact in this Resolution as it is presently worded and I would implore my colleagues, if they are intent upon passing this Resolution, to at least change the wording in advance of passage to remove the serious and really dangerous misstatements of fact. Now just exactly what are those serious and dangerous misstatements of fact? The first serious and dangerous misstatement of fact, and I say dangerous because if we proclaim this as fact, these misstatements of fact, as fact, these mis-truths as truths, if we put our Senate imprimatur on these words, they are going to carry a little more weight, perhaps a great deal more weight tomorrow than they do today. That's why I say it's dangerous. It is dangerous to proclaim as fact statements which, in truth, are misstatements of fact, and here they are. "Whereas, RU 486 has proven to be a safe and effective method of terminating a pregnancy . . ." Well, if it had been proven to be safe and effective, then why are certain Senators standing up to urge that it be tested? If the tests have already been accomplished and the drug has been indeed found to be safe and effective, then what is all the hullabaloo about? But the fact of the matter is, that by our standards, U.S. standards, FDA standards, this drug has not yet been found to be safe and effective. And yet here we are being asked to proclaim, here we are being asked to put our imprimatur, certify as being fact, something which is clearly not factual. If Senators who are standing up to urge that this drug be further tested in the United States, they are arguing against, are they not, this statement which says that RU 486 has proven to be safe and effective? Now right there is a contradiction between the stated motives of the proponents and the actual wording of the Resolution. I would further point out in this connection that France requires four separate visits to a physician when this drug is used to produce an abortion — four separate visits. I would point out further, that just recently France has banned the use of this drug in the abortifacient for women over 35 and has banned the use of the drug for women who smoke. If it's proven safe and effective why then is even the Government of France pulling back? If it's safe and effective why has, as Senator McLane has pointed out, the FDA banned the import of this drug by private individuals for personal use? If it's safe and effective the FDA wouldn't have done that. And if it's safe and effective why has the AMA, which after all is pro choice as a matter of record, backed up the FDA's import ban on this drug? I tell you it is not safe and effective by U.S. standards. It has not yet been proven to be so, and in advance of that we shouldn't proclaim and mislead our fellow citizens to the contrary.

The second misstatement, is as follows: "Whereas, RU 486 has shown considerable efficacy in treating certain kinds of brain cancer and brain tumors, Cushing's syndrome and other diseases;" — Senator McLane raised this point and we are all concerned about those who suffer from those kinds of diseases. And I personally favor research under standard FDA protocols, according to standard FDA criteria for research into any drugs, research into the curative properties or preventive properties of RU 486 in connection with other diseases. Now, has RU 486 shown "considerable efficacy" as we are prepared evidently to proclaim as fact? Well, let me read to you from testimony of the American Medical Association before Congress and by the way this particular committee requires sworn testimony. The AMA is speaking here now in November of last year before Congress. "We do not believe that there has been adequate research to establish this drug as a safe and effective therapeutic modality." I am reading in part. The whole statement is here for those of you who want to examine it. "There has been some published conjecture that RU 486," — published conjecture — "may be an effective treatment for other indications besides its use as a contraceptive, including treatment of breast cancer, gynecological malignancies, glaucoma, and fertility and labor induction." Now get this part, "while we do not believe this conjecture to be based on any substantiated tests of the drug, RU 486's application to these conditions is certainly possible, although adequate drugs for these conditions already exist." Has RU 486 shown "considerable efficacy"? Not in the view of the AMA. So if we are going to pass this Resolution, for whatever purpose the Senate deems desirable, let's at least take out these misstatements of fact, or reject the Resolution altogether. I hope Senators are not going to lend themselves and the prestige of this body to misstatements of fact and in so doing thus confusing an already misled public.

Let me address the point of research, Mr. President. One would get the impression that some of the proponents suggest that there is no research in the U.S. on RU 486, either for purposes of it being used as an abortifacient or in treating the kinds of diseases which Senator McLane has raised. There is research, ladies and gentlemen of the Senate. There is research. Now it's true, as Senator McLane has pointed out, that the FDA has issued an import alert, which means that private citizens going abroad may not come back with RU 486 for personal use. That is something very different, however, let me point out, than certified researchers bringing in RU 486 for research in this country under FDA protocols. That is going on. That is going on. There are ten such research projects underway now, including the research for RU 486 as an abortifacient as well as a drug to be

used against cancer, Cushing's syndrome, endometriosis and so on. Those are going on right now. Those kinds of experiments are going on right now. Let me read to you a memo faxed to me this morning from the FDA in this connection. This is from Doctor Solomon Sobel who heads up the Division of Metabolism and Endocrin Drug products. I was referred to Doctor Solomon by the Deputy Chairman of the FDA. Today's date, addressed to me: "This Division currently has ten active INDs". IND means investigational new drugs. Ten active IND's for RU 486. "Our regulations prohibit us from revealing the existence and the identity of specific applications except when funded by public monies such as studies conducted at the National Institutes of Health or when the applicant has made the existence of the IND public. Therefore, we are permitted to tell you that NIH has three active," NIH itself, within NHI, among the ten, "has three active IND's for RU 486." And it goes on to explain how, on a selective basis, the FDA admits RU 486 for individual use in compassionate cases. I called the National Institutes of Health, and I talked to the Deputy Director, Doctor William Robb. And I said, "Doctor Robb, you have got three research projects at NIH that need to use RU 486. Some people suggest that researchers are unable to get this drug. Are your researchers having any problems? Have these research projects been suspended because the researchers couldn't get the drugs?" After he researched it, by the way, he called me back an hour later. After checking with the researchers, he said that the National Institutes of Health "is having no difficulty in getting the drug from the manufacturer". And I said, "Well now, what about those seven out there across the country. Are they having any troubles?" And some of those seven by the way, are funded by NIH grants. And he said, "the same is true of researchers under grants and contracts issued by NIH." Now that leaves a few out there among those ten I suppose who don't fall under either category. But the point is, here you have it fresh today from responsible authorities in the government that there is no block to further research projects and furthermore that there is no block to these researchers in getting the drug with which to carry out their research. So what is the problem that this Resolution is seeking to correct? And that is a question that we ask about every measure that comes before this body. What is the problem we are trying to overcome? There is no block on research and there is no block on the availability of the drug to qualified researchers under standard FDA protocols. So what is it the proponents want? Do they want to shift the FDA aside? Do they want individuals to be able to get this drug before it's proven safe and effective as every drug must be proven safe and effective before it can be imported? Just what is it that the proponents want? I

would suggest to you that whatever problem there may be has been blown vastly out of proportion by politics.

One last point, Mr. President. The suggestion is that, and Senator McLane who always loves to bring down her wrath upon the right and the Christians and everyone else who disagrees with her agenda, her ultra-leftist, liberal agenda. She is a good friend, but my goodness her political agenda is something to be marveled at. What was my point? My point was that I want to demolish your boogey-man, Senator McLane. Here is a letter . . .

PRESIDENT DUPONT: Senator Humphrey, if we could keep the remarks to the bill and let us not get personal.

SENATOR HUMPHREY: Yes, and I hope that will apply to Senator McLane, too. Here is a letter dated April 26 of this year to the editor of the Los Angeles Times in response to a news article. Again, this is available in total here to those who want to read it. I am simply citing part of it. I want to point out that the National Right-To-Life Committee doesn't speak for all of us who style ourselves as Pro-Life, but clearly it's the largest and most effective and most preeminent of the Right-To-Life organizations. And here is what they have to say. "National-Right-To-Life Committee has never objected to research on RU 486 for purposes unrelated to abortion." National-Right-To-Life Committee for that matter, as far as I know, most of those of us on that side of the question do not, and have not, and will not oppose research on the use of this drug for cancer, endometriosis, and any of those horrible diseases that have been raised in this discussion, which mainly affect women. And so that is a red herring. It's simply not true. So I would ask again, what is the problem that we are seeking to overcome? There is a good answer to that. Then before we pass this Resolution let's at least take out the misstatements of fact. I thank the Chair and I thank my colleagues.

SENATOR MCLANE: Senator Humphrey, my dear friend on rivers, .08, and Martin Luther King, and billboards, I am glad that we agree that scientific testing of problems such as cancer should be conducted with RU 486.

SENATOR HUMPHREY: Yes.

SENATOR MCLANE: Why is it then, that the Journal of American Medicine in August, when it talked about Doctor Regalson's testing with Cushing's syndrome and the University of Southern California's School of Medicine with the meningioma, brain cancer, and the National Institute of Health's five-year study of Cushing's syndrome sufferers who talked of miraculous improvement, why is it that they are all complaining that they cannot get this drug to do their experiments or whatever?

SENATOR HUMPHREY: Well, on what basis does the Senator believe they are complaining?

SENATOR MCLANE: The American Journal of Medicine for August.

SENATOR HUMPHREY: Well, it's just possible, Senator McLane, that once in a great while things appearing in print are not quite accurate. I would encourage the Senator before she votes to call Doctor Robb and personally satisfy herself that those at the NIH are having "no difficulty", using his words, in getting RU 486 for these ongoing FDA approved research efforts. There is no problem. If there is a problem, I would like to hear it. In any event, let's at least take these lies out of the language.

SENATOR SHAHEEN: Senator Humphrey, do you object to the trials that are currently going on by the FDA?

SENATOR HUMPHREY: If you're speaking of RU 486 . . .

SENATOR SHAHEEN: That is right.

SENATOR HUMPHREY: I object only to those trials where the research is in connection with using the drug to kill unborn babies. I support all other research.

SENATOR SHAHEEN: And do you ultimately believe that if the results of these trials prove that the drug would have an approved use as an abortion drug, would you support that?

SENATOR HUMPHREY: The question is related strictly to abortion? Would I support it? What do you mean . . . I don't have . . . I'm against it. I think it's wrong to kill unborn babies, whether you use a scraping device or you use some agent that someone swallows.

SENATOR SHAHEEN: I'm confused by your objection to the Resolution which you say is based on the fact that we don't need it, because it is already going on, but what, in fact, you've just said is that it is not already going on.

SENATOR HUMPHREY: Oh, it is going on. I'm powerless to stop it. It is going on. The University of Southern California is using RU 486 under FDA approval to investigate its properties as an abortifacient. That is happening. I don't like it, but what can I do about it? There are also, fortunately, many other research projects dealing with diseases. Pregnancy, by the way, is not a disease. And may I also point out, as I am finishing my answer, that RU 486 is used in the sixth to eighth week of pregnancy when the baby's heart is already beating.

SENATOR COLANTUONO: I rise to support the committee majority. Senator Humphrey has said most of what I wanted to say, but I would like to supplement that. One portion of the AMA testimony that he did not read, I think is very significant. And this is with regard to the misinformation that has been put out by the people promoting this general idea and this Resolution that there is somehow a political agenda behind the blocking by the FDA of this drug coming into the country. The fact of the matter is that once the French manufacturer decided not to seek FDA approval, but because of the fact that the pill was in widespread use in France, there was a legitimate fear on the part of the FDA that there would be a black market in this drug and that the drug would be brought in by individuals to be sold and given out for personal use without the same oversight and restrictions that are in effect in France. And that was a very dangerous situation that the FDA was required by law to react to and it put out an import ban for personal use only. That is the only ban that the FDA has put on. And the AMA is totally in support of that position. And I think this Senate should be totally in support of that position. Now after the language that Senator Humphrey quoted from the AMA, to the effect that they don't believe that there has been adequate research, they went on to say that, in fact, the central difficulty in evaluating this drug is that no research is being conducted in the United States to determine whether RU 486 has a role in medical practice. Although I don't subscribe to that because, as we just heard, there are ten active permits going on. They are factually incorrect even there. But they go on to say that the reason no research is going forward is its manufacturers' decision not to pursue clinical testing of the drug here. So the manufacturer is the one holding up the distribution in the United States. That is the fact.

Now the AMA further went on in its testimony to clarify that point. It says that, "Rumors exist that the FDA, due to political pressure" — and they call them rumors, and that is all they are — "is standing in the way of research on RU 486. We, the AMA, do not believe this to be true. On the contrary, it's the FDA's responsibility to ban a drug that has not met legal and regulatory requirements for importation into the United States. Because RU 486 has not met these requirements, the FDA complied with its charge and acted well within its authority in issuing its June 9, 1989 automatic detention import alert concerning the drug." Now Senator Humphrey mentioned certain of the factual misstatements that are in this Resolution, and I would like to take that a little bit farther, with his permission, and not stealing his thunder because I think it's very significant that any Senator even considering voting for this Resolu-

tion ought to know that when you vote for a Resolution, you are not simply proclaiming a position that you are pro-choice, or that you believe in RU 486. You are adopting every word, comma, and period in this Resolution as your own thinking. And you had better be sure that you agree with it and that it is factual.

The very first sentence, "Whereas, the antiprogesterone known as RU 486 has been approved and available in France since November of 1988;" Well, that may have been completely true when the Resolution was drafted, but it is only partially true now, because all of us know from the newspapers and the news and if you have read the Senate research package that was delivered to all the Senators, that a woman died in March as a result from this medication in France. And this goes to tell you something about the quality of the French Ministry of Health. Even though this woman was 31 years old, the French Ministry of Health restricted this drug only to women under 35 years old. But right now this drug is not available to women who are over 35 years old in France. So it's only partially available and it's not available to women who are heavy smokers, as this woman was.

The second sentence that talks about this being a safe and effective method of terminating a pregnancy is also misleading in more ways than Senator Humphrey stated. RU 486 is a pill that is taken on the second doctor's visit. And it is roughly 60 percent to 70 percent effective in terminating the pregnancy. It does so by starving the embryo and causing it to detach from the uterus wall. However, you have to take another medication, and in France they are using Nalador to expel the embryo and it is only with the combination of those two drugs that the effectiveness of this method goes up to about 90 percent. Now the company, in its own literature, admits that the combined measures are only 95 percent effective. So in 5 percent of the cases, the woman either has to go to term and risk a deformed baby or go through the regular abortion procedures. Now that is not a safe and effective measure. But even by the companies standards saying that it is only 5 percent, in 5 percent of the cases it doesn't work at all. Independent research starting to come out of France suggests that that number is really 10 percent, so that in one out of every ten cases, when a woman uses this protocol for an early first trimester abortion, it does not work and they have to go for a traditional form of abortion. Therefore, that makes the third sentence misleading and a misstatement because even though RU 486 is a non-surgical procedure and is therefore safe and non-invasive, it doesn't work and that one in ten has to go in for the surgical procedure. And therefore, following down on the fourth sentence, those people will have to undergo the risk from injury and infection caused by the physicians' instruments. The fifth one is particularly trou-

bling when it states that RU 486 has shown considerable efficacy in treating certain kinds of breast cancer and etc. That is just simply not true. It's a cruel hoax being perpetrated on the people who suffer from those diseases. And I have to say, one of the saddest things, in my short career here so far in the Senate, was to sit there during the committee hearing and watch people testify that they want this Resolution passed so that this can be made available to cure breast cancer. These people are being badly misused by the proponents of this Resolution. Even the American Cancer Society has not taken a position on this medication. If this were an effective method of fighting cancer, you know the American Cancer Society would be the first on the bandwagon, but they haven't because the fact of the matter is, there is no evidence that this drug has any cancer curing effect in human beings. Now this list of supposed diseases that this drug can cure is lengthy. It almost sounds like it is a wonder drug and I remember making the remark at the committee hearing that next thing you know, they will be claiming that this is a cure for baldness, obesity, or even AIDS, and I was making that as a joke. But sure enough, Tuesday in the Wall Street Journal article in which my good friend from Concord was quoted and I was quoted, thanks to her, it actually says in here, that some groups say the drug may be useful in treating diseases such as breast and brain cancer, hypertension, diabetes, and AIDS, believe it or not. Baldness? Well the Wall Street Journal hasn't figured it out yet. Now the word "diabetes" jumped out at me because in fact the French government has issued a warning not to use RU 486 for anyone who has diabetes because it could cause a heart attack. And it is important to note that even though that one death in France has gotten a lot of attention, the fact of the matter is, that there have been four deaths in France. The first three were not publicized. And there have been four near fatal heart attacks from the combination of the RU 486 and the Nalador. And the drug company itself, in its own literature, admits that in 5 percent of the cases there have been serious complications from the effect of this drug.

So what are we left with and why am I opposing this Resolution and urging my fellow Senators to vote against it? Very simply, because I have great regard for the women of New Hampshire. I do not want to see them offered up as guinea pigs for scientific research on a drug which has proven to be fatal. And if this Resolution is approved and this drug is brought in for testing in New Hampshire, and the inevitable happens and women die, I do not want it on the conscience of any Senator in this body that they voted to support that result. I think it's unconscionable. I think the sponsors of this, and I have been quoted in many articles, are very irresponsible for promoting

this. I think that if this drug had nothing to do with abortion, nobody in this Senate would be voting for it. If this were a Resolution to introduce Laetrile, several years ago when that was supposed to be the cancer cure and people were going to Mexico blowing their whole fortunes to these quack Laetrile clinics because the FDA wouldn't let that in, there isn't a Senator in here who would be supporting that Resolution. The only reason Senators are supporting this is because it has been tied in to the abortion issue. This Resolution has nothing to do with abortion. The issue here is medical research and experimentation and whether we want to be responsible and protect our good women here in this state.

SENATOR RUSSMAN: Senator Colantuono, what do we say to the over 44,000 families that lose somebody to breast cancer each year in this country when in fact we have a drug here that may potentially offer those families a chance to have that person live on?

SENATOR COLANTUONO: Senator Russman, we read from the AMA statement to the Congress, which Senator Humphrey read, which said that "while we do not believe this conjecture to be based on any substantiated tests of the drug, RU 486's application to these conditions" — we are talking about breast cancer — "is certainly possible although adequate drugs for these conditions already exist." We also say that because breast cancer strikes most women after the age of 35, RU 486 won't help them anyway because even the French Ministry of Health has disapproved and banned the use for women over the age of 35.

SENATOR RUSSMAN: Senator, what would you say to the fact that even with birth control pills, women that are older than 35 years and that smoke are asked not to because of potential blood clots in the United States for just mere birth control, yet we still use that for a major source of contraceptives? What do you say to that, Senator?

SENATOR COLANTUONO: Sorry, I didn't catch the question.

SENATOR RUSSMAN: Well, the fact that in this country there is a high risk of blood clots in women that are older than 35 years and that smoke, therefore, birth control pills are not recommended as contraceptives in women that are older than 35 and that smoke. There really isn't any difference, is there, compared to what you are saying? And yet we still continue to use that drug as a wonderful method of contraceptive.

SENATOR COLANTUONO: Birth control pills are legal under FDA guidelines, so I don't see the same distinction.

SENATOR RUSSMAN: Senator Colantuono, do you think what you have quoted to us would give comfort and solace to those families of the 44,000, what the AMA has said?

SENATOR COLANTUONO: Comfort and solace?

SENATOR RUSSMAN: Yes.

SENATOR COLANTUONO: I think that giving false hope to people suffering from breast cancer that this drug will somehow help them, when there is no evidence that it will, is even worse.

SENATOR COHEN: The previous speaker mentioned a question about accurate statements saying that there were a number of inaccurate statements. Senator Colantuono said that a woman died as a result of RU 486. Well, that is far from being proven. It is not clear at all that she died as a result of taking RU 486. There were many other factors involved. They also said that this is a drug which has proven to be fatal. That is not an accurate statement. Senator Heath earlier asked the question "What is the point of research? To find out if something is harmful?" I would submit that the point of scientific research throughout Western civilization is to find out if something can save lives. This may possibly save lives. It has already been shown that RU 486 can be a significant factor in reducing tumors, brain tumors, and breast tumors that are otherwise inoperable. Such problems can cause the deaths of people. I would submit that politics should not be allowed to force this body to keep American women in the dark. Scientific research should be allowed to shed light into our lives and to help solve the mysteries of some of these diseases which RU 486 may possibly be helpful in curing. I would submit that if RU 486 can save one life, it's worth the testing. And I would also ask if opponents really feel comfortable having on their hands the knowledge that some deaths that may be preventable with the use of RU 486, may now not be, because they voted against allowing this. Think about having those preventable deaths on their hands. I would strongly urge the passage of HCR 11.

SENATOR HUMPHREY: I know that I have been admonished for speaking too much and too long, Mr. President, but I hope that my colleagues would make a special exception in this case. This issue, this matter has gone too far and I think most will acknowledge, at least privately, it's been largely impelled by politics on both sides. A number of Senators on both sides of the issues have cautioned us against mixing politics with medicine. And certainly on this occasion when the Senate is prepared to make an official pronouncement, that advice is well taken. Senator Russman raises our compassion for those who are suffering from breast cancer and other dreadful

afflictions. I make the point again, if anyone is listening, and I have something more to reinforce it this time, Mr. President. I make the point again that the FDA has no ban on research into RU 486 or its abortifacient properties, or for its curative or preventive properties with respect to any human ailment. There is no such ban on research! Neither is there a problem for researchers in obtaining RU 486, and I alluded to the letter from the FDA and my phone conversation with Doctor Robb, the Deputy Director of the National Institutes of Health. Doctor Robb, since I last spoke, has faxed me a memo. And if you're concerned about whether the drug is available for this kind of FDA sanctioned research, please listen. "May 16, Dear Senator Humphrey: Confirming our telephone conversation this morning, scientists," not politicians, scientists. "... at the National Institute of Child Health and Human Development, a component of National Institutes of Health, are conducting two clinical studies using RU 486, one on the use of the drug as a contraceptive and another on the use of the drug in treatment of Cushings' disease. To date, neither study has been restricted by unavailability of the product. Nor am I aware of any such affect on RU 486 studies funded through NIH grants." I implore my colleagues, especially those several who are alleged to be on the fence, and I don't know if that is true or not, and I don't know who they are, but I implore them, if there be such, to recognize that there is no substantial problem that this Resolution seeks to cure. There is research and there is the availability of drugs and I implore them to recognize, as the AMA and the FDA have stated and the situation itself states, that this drug has not yet been proven safe and effective as this Resolution states as a fact. Shame on us if we proclaim as fact and mislead our fellow citizens in a matter where these facts have not yet been established, as the FDA and the AMA have so clearly pointed out. I hope that the Senate will reject this Resolution.

Senator St. Jean moved the question.

Adopted.

A Roll Call was requested by Senator Hollingworth.

Seconded by Senator Roberge.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Currier, Bass, Pressly, McLane, Russman, St. Jean, Shaheen, Hollingworth, Cohen.

The following Senators voted no: Heath, Dupont, Disnard, Roberge, Nelson, Colantuono, Podles, Humphrey, Delahunty.

Yeas: 13

Nays: 9

Paired votes: Senator Blaisdell and Senator J. King.

Adopted.

Ordered to Third Reading.

Recess.

Out of recess.

HB 323-A, an act relative to the Cheshire Bridge and making an appropriation therefor. Capital Budget committee. Ought To Pass With Amendment. Senator Oleson for the committee.

SENATOR OLESON: HB 323 is in regard to the so-called Cheshire Bridge which connects the town of Springfield on the Vermont side and on the New Hampshire side, the town of Charlestown. Over the years this bridge has been owned by the so-called Guilford Group and has always been a so-called toll bridge. What the idea is behind this and why this committee believes that it should pass is that they believe that it is about time that the State of New Hampshire acquire the ownership of this bridge, and I want to add, incidentally, at the present time, this would be done with the approval of the Governor and Council. The whole cost, the acquisition and the rehabilitation or reconstruction of the bridge at that time, will be paid for by users. It won't cost the State of New Hampshire a penny, but after the user fees or tolls, or whatever you want to call it, has been paid and the principal, acquisition, construction, reconstruction has been paid off, then the toll booth will be taken down and it will be used like most bridges are in New Hampshire. What the amendment did, was that the first bill called for it to be contracted out to the people who had charged tolls. This has been eliminated and the tolls will be gathered by state personnel, if this bill should pass.

Amendment to HB 323-A

Amend section 3 of the bill by replacing it with the following:

3 Payment of Bonds. 1988, 251:3 is repealed and reenacted to read as follows:

251:3 Payment. The payment of principal and interest of the bonds and notes issued for the purchase and rehabilitation of the Cheshire Bridge authorized in section 1 of this act shall be made when due from tolls collected on said bridge. The state treasurer is authorized to establish a special account for this purpose.

Amend 1988, 251:4 as inserted by section 4 of the bill by replacing it with the following:

251:4 Duties. The commissioner of the department of transportation shall:

I. Acquire, operate, and maintain the privately owned Cheshire Bridge and adjoining land and appurtenances between the towns of Charlestown, New Hampshire and Springfield, Vermont through a negotiated purchase or condemnation proceedings on or before December 31, 1991.

II. Complete the bridge rehabilitation project on or before December 31, 1992.

AMENDED ANALYSIS

This bill increases the appropriation to the department of transportation for the purchase and rehabilitation of the Cheshire Bridge. All toll booths shall be eliminated when the bonds financing the purchase and rehabilitation project have been retired.

The bill also establishes a time-frame for the purchase and completed rehabilitation of the bridge.

Amendment Adopted.

Ordered To Third Reading.

HB 324-A, an act relative to highway projects and bond issuance and making an appropriation therefor. Capital Budget committee. Ought To Pass. Senator Hough for the committee.

Recess.

Out of recess.

SENATOR HOUGH: HB 324, as reported by the Capital Budget Committee as Ought to Pass, brings the projects in the present ten-year plan and brings the values of the projects more correctly into line with the 1991 costs. That is the significance of the bill. Further, the highway projects in the ten-year plan now will all be handled through revenue bonds. The committee spent a great deal of time reviewing all of the pieces and implications and you will find that the change represents the most correct dollars of the projects in the plan. We recommend that the bill be reported Ought to Pass.

SENATOR HEATH: Senator Hough, is this a broad base tax?

SENATOR HOUGH: No, this is not a broad base tax. This has no general fund implication, it has to do with the value of the projects which are within the 10-year plan and there is a schedule of the projects and when they come on line and what the values, as we know today, are versus when the plan was initially adopted in the mid 1980's. The values are the result of the work of the agency and they will all be handled with revenue bonds out into the future.

SENATOR HEATH: What is the source of funding?

SENATOR HOUGH: These are all highway projects. There is no general fund implication.

SENATOR HEATH: But would this not come out of a proposed increase in gasoline tax?

SENATOR HOUGH: We'll give you the right answer. The answer from the staff is that it will not. Excuse me, I stand corrected. It is the turnpike and the revenues . . .

Adopted.

Ordered To Third Reading.

HB 393-A, an act relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor. Capital Budget committee. Ought To Pass. Senator Roberge for the committee.

SENATOR ROBERGE: This is an important bill. It's not only important to the greater Manchester area, but it's important to the State of New Hampshire and the area of New England. This is a study committee for an impact of a new road access to the Manchester Airport. It will bring business into the state and, hopefully, it will bring all kinds of income into the state. We need it very badly.

Adopted.

Ordered To Third Reading.

Senator Colantuono in opposition to HB 393-A.

HB 427-A, an act relative to additional improvements on Gosling Road and making an appropriation therefor. Capital Budget committee. Ought To Pass. Senator Hough for the committee.

SENATOR HOUGH: The Committee on Capital Budget recommends that HB 427 be reported out as Ought to Pass. As you will recall this is the Gosling Road project over in the vicinity of the Spaulding Turnpike near the present entrance to the Pease Air Force Base. The bill before you includes additional improvements to the road and changes the bond authorizations which will be handled, again, through the Turnpike Fund. It authorizes the Department of Transportation to make the improvements to the Gosling Road project in addition to those previously authorized and in the 10-year plan. The additional improvements shall accommodate expected 20-year increases in traffic due to the redevelopment of the Pease Air Force Base. A bonded appropriation is made for this purpose which shall be Turnpike Revenue Bonds. The current law provides

\$11,000,000 for the interchange. This bill provides an additional \$6.8 million for the additional improvements to include the diamond interchange and overpass. The design is 97 percent complete and the environmental permit has been processed. When the Air Force finishes their EIS on base use and reuse, they then can agree to allow the Department of Transportation to go forward with the construction. This is now the time while Pease traffic is at its lowest point, the point being that we have been working on this for a number of years now and we are now at a point to have this very significant capital project, that will be handled by the turnpike bonds, commence. It's our belief that with the passage of this bill, quite frankly, the project, the hard project, can hopefully commence as early as August, and we can provide, over and above the importance of bringing this project on line, a very needed employment in the Seacoast area construction industry this summer.

Adopted.

Ordered To Third Reading.

HB 660-FN-A, an act establishing a highway and bridge betterment program and making an appropriation therefor. Capital Budget committee. Ought To Pass With Amendment. Senator Oleson for the committee.

SENATOR OLESON: This is the bill that I know you have all been waiting for, but nevertheless this does increase the road toll tax on gasoline from 16¢ to 18¢. At the present time on the Governor's betterment program, he has only got a half of a million dollars in this program, but this will increase it up to some \$10,000,000, and remember all of that \$10,000,000 plus 88 percent will be kept by the state to give money back to the six 6 so-called districts and 18 percent will be sent back to the towns and cities under a formula which I'm sure that you're all acquainted with. So this is a state aid program for highways and also there is bit of money leftover to help the taxpayers back home.

SENATOR DISNARD: Senator Oleson, what about diesel fuel? It seems to me I see many vehicles that use diesel. You emphasized gasoline. Will the diesel fuel people pay their fair share compared to what the gasoline users must pay?

SENATOR OLESON: I thought that I emphasized the road-toll tax under that formula. I think you will find that diesel is included in that.

SENATOR DISNARD: Diesel will also be charged 2¢ per gallon?

SENATOR OLESON: As I believe.

SENATOR DISNARD: Thank you.

SENATOR OLESON: If I said gasoline, I was mistaken. I should have used the term road-toll-tax and that would included diesel as well as gasoline.

SENATOR HUMPHREY: Inevitably the enactment of this bill, Mr. President, means that a 2¢ increase in the price per gallon gasoline at the pump, because that's how the process works. The costs are going to be passed along to the consumer. I question the wisdom of raising taxes in a time of recession. No doubt there are bridges and roads that need to be repaired, but I bet it can wait a year in most cases. I think it's just so unfortunate to raise, especially a kind of tax that falls not only on the residents of our state, but upon our guests, those whose visits help fill our coffers in other respects. Tourism is still number one in this state. This is going to make New Hampshire less of a bargain. Gasoline prices are going to go up 2¢ and I just think that we are proceeding in the wrong direction. I find it ironic that at a time when we are raising gas prices 2¢, more than half of the Senators are out of the Chamber, and I realize that my remarks are futile, but I feel better for having said them.

SENATOR HEATH: Senator Hough, is this the broad base tax?

SENATOR HOUGH: No, this not the broad base tax.

SENATOR HEATH: How would you define a broad base tax?

SENATOR HOUGH: This is going to allow all of the out-of-staters to come into New Hampshire on our tremendous highway infrastructure and spend their monies in the present forms of revenue. So we will be averted from your broad base tax.

SENATOR HEATH: Senator Hough, would you agree that most of the tourist are here no more than two months out of the year?

SENATOR HOUGH: I would agree that we attract people 12 months of the year to come into New Hampshire to travel on our roads that are well plowed in the winter and visit the North Country to spend their dollars so that we don't have to be faced with the taxes that you envision.

SENATOR HEATH: Would you agree that the residents of New Hampshire are here longer than the tourists, like year round?

SENATOR HOUGH: There is no question about it, and you also know, Roger, that the Department of Transportation and the section of the operating budget that relates to them is all predicated on this revenue for operations and for betterments and clearly this is a well contained section of state government. It lives within its means. It

operates efficiently, and the benefits of not only this bill, but the agency which it supports is the reason that you live in such a wonderful area of the State of New Hampshire that the people can come to visit.

SENATOR HEATH: Senator, I am not asking you for an oration on the benefits of the tax, but I'm trying to establish whether this is a broad base tax in that it affects most families in the State of New Hampshire.

SENATOR HOUGH: It applies to the revenue derived from the sale of gasoline.

SENATOR HEATH: Does that gasoline not effect the budgets of almost every individual in the State of New Hampshire?

SENATOR HOUGH: They questioned that those people that have automobiles have to pay for the petroleum to operate them and if everybody in the State of New Hampshire is involved in that, that's fine, but society is better served by that activity and the ability to move in commerce within this state than were it otherwise. And if we didn't have a betterment program, the potholes in your district and in my district would be so large that you wouldn't be able to get to Concord, which on the one hand maybe that would be desirable.

SENATOR HEATH: Senator Hough, are you aware that you didn't answer one of my questions?

SENATOR HOUGH: Senator Hounsel . . .

SENATOR PRESSLY: Senator Hough, as you know many of us in this chamber also have a fee for a service type of road system and we pay a toll. I'm wondering, will there be a discount on the 2¢ for those, who during the time frame that they travel the toll, since they are paying a double taxation on the toll, how do you intend to get this 2¢ back to those people who have an area that have to pay, once again, for a toll?

SENATOR HOUGH: Well, that's an entirely different question. I would answer that in that those people that are fortunate enough to have the superior highways that are paid for by users are even more fortunate than Senator Heath and I.

SENATOR PRESSLY: Thank you.

SENATOR OLESON: Senator Hough, is it not true that this is a anti-broad base tax in the sense that 12 percent of it goes back to the towns for their betterments in different localities; therefore, it does lower the tax on property which is exactly the direction that we should be taking at the present time and that this would be an ap-

proach in that direction? Is it not also true, even though people may not like our so-called federal funds, that nevertheless, this isn't a tax from the general fund, but it does take back the money that we already pay on gasoline that goes to the feds and then it comes back to the states in a formula and this will help insure that we secure these monies?

SENATOR HOUGH: Senator Oleson, as Chairman of the Transportation Committee and a member of the Capital Budget Committee, there is no one in this chamber that has more knowledge, experience, wisdom and expertise than you, and I concur with you wholeheartedly.

SENATOR NELSON: I think that Senator Hough and Senator Oleson have certainly addressed this adequately, but in terms of dollar amounts, we are talking about \$7.9 million, \$1.5 million of which will go back to the local communities. And to answer Senator Presslys' question, this isn't going to take care of turnpikes, this is going to take care of classes of highways as Senator Hough said relative to potholes and maintenance of those roads. So I just wanted to make it clear that this is for a different class of highways and if anybody wants to know the formula, it's on page two and I would be happy to read it here. "For each state highway district in the state, based upon a formula in which one half of the amount of the funds distributed is based upon the proportion which the mileage of state-maintained class I, class II, and class III highways, excluding turnpikes, in each district, as of January 1 of the previous year, bears to the total of such mileage in the state; and one half of the amount of the funds distributed is based upon the proportion which the office of state planning population estimate of each district bears to the latest estimate of the total population of the state as of July 1 of the year of the estimate." So there is a formula in this to get money back to cities and towns as stated on page two.

Amendment to HB 660-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a highway and bridge betterment program and
continually appropriating the highway and
bridge betterment account.

Amend RSA 235:23-a, II as inserted by section 2 of the bill by replacing it with the following:

II. The program shall be funded from \$.02 per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

Amend the bill by replacing sections 4-6 with the following:

4 Gasoline Floor Tax Imposed. Notwithstanding any other provision of law, there is hereby imposed on all gasoline on which the road toll has been paid or assessed, in the possession of any distributor, wholesaler or retailer at 12:01 a.m. 5 days after the effective date of this act, a tax in the amount of \$.02 per gallon. All distributors, wholesalers and retailers shall determine their inventory of gasoline at 12:01 a.m. 5 days after the effective date of this act by measuring the gasoline in their possession and shall forward said inventory broken down by class of premium, regular, no lead, and premium no lead to the director of motor vehicles. Said distributors, wholesalers and retailers shall pay the tax imposed therein to the director of motor vehicles at the time of filing said inventory. All such inventories shall be filed and the tax paid no later than 30 days after the effective date of this act. The director of motor vehicles is hereby authorized to require any person liable to pay the tax imposed therein to furnish such information as he shall deem necessary. He may adopt such reasonable rules and regulations as may be necessary to enforce this section. Such rules and regulations shall be deemed emergency in nature and shall not be subject to RSA 541-A. Any person who furnishes false information, regarding the inventory which he has which is taxable pursuant to this section, shall be guilty of a misdemeanor.

5 Effective Date.

I. Section 3 of this act shall take effect at 12:01 a.m. 5 days after the effective date of section 4 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a highway and bridge betterment program for the purposes of highway construction, reconstruction, and resurfacing, and for bridge construction, reconstruction and bridge maintenance, and to insure maximum utilization of federal aid highway allocation.

Funding for the program is nonlapsing, and comes from a \$.02 increase in the road toll on motor fuel. The program's funding for the first year comes from a gasoline floor tax. Of the total revenues derived from \$.02 of the gasoline tax, 88 percent is distributed to the 6 state highway districts for highway and bridge betterment, according to a formula, with the remaining 12 percent of the moneys being distributed according to the formula in RSA 235:23, I.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Heath.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Currier, Bass, Nelson, McLane, Podles, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Disnard, Roberge, Pressly, Colantuono, Humphrey, J. King, St. Jean.

Yeas: 14

Nays: 8

Senator Blaisdell excused from voting.

Amendment Adopted.

Ordered To Third Reading.

HB 705-FN-A, an act establishing the New Hampshire scenic byways planning program. Capital Budget committee. Ought To Pass. Senator Oleson for the committee.

SENATOR OLESON: This happens to be a piece of legislation that does not cost the good people in the state of New Hampshire any money at all. But it does take advantage of certain federal funds that have been appropriated and we can possibly claim as much as \$15,000,000 for certain programs. We are great at taking and coming out with different programs and then not trying to finance them. The last time in the House, and passed by the Senate, we came out with the idea of a Heritage Trail. And the Heritage Trail starts at the southern extremities of the State of New Hampshire and goes up to the Littleton and Lancaster to the Canadian border, if they extend it. These are things that might help the economic welfare of the state as well as the so-called hospitality group. I don't think that I have to go much farther and take much more of your valuable time and so I would urge you very strenuously to vote yes, and pass this bill as written. Thank you very much.

Adopted.

Ordered To Third Reading.

Senator Colantuono in opposition to HB 705.

HB 129-FN, an act relative to monitoring the reassessment of taxable property by the Department of Revenue Administration. Executive Departments committee. Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CURRIER: This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of Revenue Administration shall assist the municipality. This has been a process that has been going on for many years in the State of New Hampshire. On page 27 of today's Calendar is the amendment that basically replaces the bill and gives an appropriation. The amendment basically deals with the term of a full-time assessor in the community in dealing with towns and cities where full-time assessors do the job for the selectmen regarding reevaluation. It is a very simple, straightforward bill and it does have an appropriation in terms of providing staffing for this process for city and towns in which it currently exists.

Amendment to HB 129-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to monitoring the reassessment of taxable property
by the department of revenue administration
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Monitoring Reassessment of Taxable Property. Amend RSA 21-J:11 to read as follows:

21-J:11 Appraisers of Taxable Property.

I. Every person, firm, or corporation intending to engage in the business of making appraisals for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be em-

ployed under the contract. Upon written request from a municipality, the commissioner shall assist the communities with overseeing the progress of reevaluation by any person, firm, or corporation which engages in the business of making appraisals for municipalities and taxing districts which do not employ appraisers on a full-time basis who have passed the certification examination offered by the New Hampshire Association of Assessing Officials or an equivalent examination offered by any other recognized association of assessors. The oversight shall be at no expense to the municipality or taxing district.

II. When the board of tax and land appeals orders a reassessment of taxes previously assessed of all the taxable property in a city, town, or other governmental division under RSA 71-B:16, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner shall assist the municipality or the taxing district with overseeing the progress of the reassessment when the municipality or the taxing district does not employ appraisers on a full-time basis who have passed the certification examination offered by the New Hampshire Association of Assessing Officials or an equivalent examination offered by another recognized association of assessors. The oversight shall be at no expense to the municipality or taxing district.

2 Supplemental Appropriation. The following sums are hereby appropriated to PAU 01, 07, 01, 03 for the purposes of section 1 of this act:

Class Title	FY 92	FY 93
10 Personal services-permanent	\$32,000	\$33,500
20 Current expenses	800	800
30 Equipment	8,200	0
50 Personal services-other	5,300	5,500
60 Benefits	11,190	11,700
70 In-state travel	1,150	1,600
80 Out-of-state travel	0	0
Total	\$58,990	\$53,100

These appropriations are in addition to any other funds appropriated to the department of revenue administration. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment

for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials or an equivalent accepted examination. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

The bill also appropriates funds to the department of revenue administration for the purpose of the bill.

Amendment Adopted.

Ordered To Third Reading.

HB 250-FN, an act relative to the board of nursing. Executive Departments committee. Ought To Pass With Amendment. Senator Colantuono for the committee.

SENATOR COLANTUONO: This bill was one of the bills brought forward at the request of the Attorney General's Office to modernize the language of the regulatory boards and agencies. For some reason this one started in the House rather than the Senate and it's relative to the nursing board. At the hearing the Nursing Board came in to testify in favor of it. The nursing profession testified in favor of it. It is along the lines of the Podiatry and the Dentist's bills that we have already passed. There was no opposition to it. The amendment that is in the calendar simply adds some additional due process protections and we recommend your vote of Ought to Pass.

Amendment to HB 250-FN

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Investigations. Amend RSA 326-B:12 by inserting after paragraph V the following new paragraph:

VI. The board shall conduct an investigation of any person licensed by the board who has been the subject of 3 different medical injury actions reported under paragraph IV of this section within any consecutive 5-year period commencing upon the effective date of this act.

Amend RSA 326-B:13, VI as inserted by section 7 of the bill by replacing it with the following:

VI. Complaints of licensee misconduct shall be in writing and shall be treated as petitions for the commencement of a disciplinary hearing. The board shall forward a copy of any written complaint to the licensee upon receipt. The board shall fairly investigate all complaints to the extent and in the manner warranted by the allega-

tions. A complaint that fails to state a cause of action may be summarily denied in whole or in part. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

Amendment Adopted.

Ordered To Third Reading.

HB 282-FN, an act relative to the BOCA Basic Building Code and the Life Safety Code. Executive Departments committee. Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CURRIER: HB 282, dealing with BOCA the Basic Building Code and the Life Safety Code, has an amendment on page 29 of the calendar. The amendment deals with defining the most recent edition of the provisions of the National Fire Protection Association Code and other codes. The problem now is that the 1981 code is in the statutes and this code is developed and promulgated almost on a yearly basis and it was the feeling of the committee that this should actually be the most recent edition. Administrative Rules also applied in this case where there are those specific requirements of the BOCA code that the state does not want to have enforced in New Hampshire or exempted and the process goes straightforward from there.

Amendment to HB 282-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the BOCA Basic Building Code and the Life Safety
Code and relative to property located at former
Pease Air Force Base.

Amend the bill by replacing section 1 with the following:

1 Reference Change. Amend RSA 153:5 to read as follows:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in

the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt **the most recent edition of the** provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in areas of buildings or additions, in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities or electronic data processing equipment, or in facilities in which rooms or areas are protected with an automatic fire alarm system. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures or equipment. The fire marshal may exempt a building, structure or equipment from such rules if he finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

Amend RSA 155-A:1, I as inserted by section 3 of the bill by replacing it with the following:

I. Except as provided in paragraph II, all new buildings constructed by the state or by a state agency, including the university system, and all new public buildings[, including schools, halls and theaters], **as defined in RSA 155-D:2, III**, shall conform to standards not lower than those in the BOCA Basic Building Code, [as amended,] **as defined in RSA 205-C:1, II** as established by the Building Officials and Code Administrators International, Inc.

Amend the bill by replacing section 4 with the following:

4 New Subparagraph; Applicable Code Regulations Required. Amend RSA 12-G:10, V by inserting after subparagraph (d) the following new subparagraph:

(e) Any property located at the former Pease Air Force Base which is sold, leased or otherwise conveyed by the United States government to any person other than the state of New Hampshire

or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes and related codes prior to being occupied for any use by any person.

5 Effective Date. This act shall take effect January 1, 1992.

AMENDED ANALYSIS

This bill clarifies which versions of the BOCA code and the Life Safety Code are in effect for public buildings.

The bill also requires any property located at former Pease Air Force Base which is conveyed to any person other than the state of New Hampshire or one of its political subdivisions to be in compliance with all applicable land use codes, building codes, electrical codes, plumbing codes and other applicable codes before it is occupied.

Amendment Adopted.

SENATOR CURRIER: Previously the Senate passed forward another bill, in fact it was adopted earlier this session. The Senate unanimously passed to the House SB 196 a bill to establish an administrative per se license revocation process for drivers under 21 years of age who refuse to take the alcohol concentration test or who test above the legal limit. It varies in the process in the second year of the program if sufficient funds are available. The House recently rereferred the administrative per se issue after the dispute between two House committees over which should hear the issue. This is one of four bills supported by the Governor's Task Force and it has been shown to be one of the most effective deterrents to drinking and driving in the 30 other states that have adopted it. I urge you to support this amendment of tacking on the provisions of SB 196 which is before you as a Heath/Currier floor amendment which is numbered 2950.

SENATOR NELSON: Senator Currier, I was just curious what motor vehicles had to do with the BOCA codes and what was the relevancy for tacking this amendment on this bill and the germaneness?

SENATOR CURRIER: It is dealing with administrative procedures and so forth and it has RSA 541-A, the Administrative Procedures Act, in the bill.

PRESIDENT DUPONT: Senator, is that a question concerning the germaneness of this amendment?

SENATOR NELSON: The amendment to this BOCA code, that's the question. Didn't I ask that question?

PRESIDENT DUPONT: Yes, you did.

SENATOR NELSON: I noticed that this talks about .10 in this situation. There is a bill on the table that talks about .08. Why are we talking about .10 in this amendment and everyone is telling us that it should be .08? How are these two interfacing when we discussed .08?

SENATOR CURRIER: Senator, I'm really not 100 percent sure of the relevancy between the .10 in this particular bill and the bill that is on the table. I couldn't answer that question at this point. The point of this whole thing is that there is a piece of legislation that is important to the Department of Safety, the Governor's Task Force and, I would assume, this Senate in terms of dealing with drinking and driving and the per se — whatever they call this. They are getting into legal terms here — the per se revocation process for drivers under 21 years age, when they refuse to take the blood alcohol test. And it is important and I'm sure that Senator Heath will add some more life to this, seeing that he has been very involved in the process. But it is an important issue that the House has decided that they don't want to play around with, and we think it should be played around with, so that is why we are tacking it back on. So we can give it one more chance.

SENATOR NELSON: Would you believe, Senator Currier, at the risk of sounding self-righteous and sanctimonious, that I think we should be most cautious in attaching a bill dealing with alcohol and a driver's motor vehicle license to the BOCA code in the State of New Hampshire and I hope, would you believe, we don't lose a good piece of legislation for the BOCA codes by doing this? Thank you.

SENATOR CURRIER: I would believe that, Senator.

SENATOR BASS: Senator Currier, as a follow up to Senator Nelson's question, I just want to make sure that I understand the process correctly. Are you saying that this is the subject of a bill that was introduced in one body or the other, that was killed by the House and what you are, in effect, attempting to do is to reintroduce the bill again to give the House another opportunity to vote on it? Is that what you're saying?

SENATOR CURRIER: That is the bottom line, Senator, I believe.

SENATOR BASS: That is the history? What was the original bill number of this amendment?

SENATOR CURRIER: SB 196.

SENATOR BASS: Oh, it is quite close to SB 195, the campaign spending limitation bill.

SENATOR CURRIER: Which is not germane.

SENATOR HEATH: This amendment is legislation that we have already passed. And the House has not killed it; it rereferred it when two committees over there got into a jurisdictional dispute. So this isn't a sneak attack of any kind. This is legislation that is alive in both bodies. And it's legislation that this body has already adopted. As to the .10, that is the level that exists today. If that changes, this would change, if this was in law prior to the change in that.

Senator Currier offered a floor amendment.

Floor Amendment to HB 282-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the BOCA Basic Building Code and the Life Safety Code and relative to administrative revocation of motor vehicle licenses of persons under age 21.

Amend the bill by replacing all after section 3 with the following:

4 New Subdivision; Administrative Revocation of Motor Vehicle Licenses of Persons Under Age 21. Amend RSA 265 by inserting after section 94 the following new subdivision:

Administrative Revocation of Motor Vehicle Licenses of Persons Under Age 21

265:94-a Definition. For the purposes of this subdivision, "person" means any person under 21 years of age.

265:94-b Implied Consent; License Revocation.

I. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to the tests specified under RSA 265:84 when a law enforcement officer has reasonable grounds to believe that the person has:

(a) Been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more; or

(b) Been involved in an accident.

II. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph I and the test or tests may be administered.

III. Any person requested to submit to a test as provided in paragraphs I and II shall be warned by the law enforcement officer requesting the test that any prior refusal to submit to the test will

result in revocation of his license to operate a motor vehicle for 6 months. If the person has had a prior refusal of consent under this subdivision, any subsequent refusal shall result in revocation of his license to operate a motor vehicle for 2 years. Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the law enforcement agency as provided in paragraph I, none shall be given.

IV. If any person refuses testing or submits to a test which discloses an alcohol concentration of 0.10 or more under this subdivision, the law enforcement officer shall submit a sworn report to the department, certifying that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which disclosed an alcohol concentration of 0.10 or more.

V. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph IV, the department shall revoke the driver's license of the person for the periods specified in RSA 265:92.

VI. On behalf of the department, the law enforcement officer submitting the sworn report under paragraph IV shall serve immediate notice of the revocation on the person, and the revocation shall be effective 30 days after the date of service. If the person has a valid license, the officer shall take the driver's license of the person, and issue a temporary license valid for the notice period. The officer shall send the license to the department along with the sworn report under paragraph IV.

VII. In cases where no notice has been served by the law enforcement officer, the department shall give notice as provided in paragraph IV and the revocation shall be effective 30 days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses.

265:94-c Hearing.

I.(a) A revocation of license under RSA 265:94-b shall become effective 30 days after the date of service of the notice of revocation.

(b) Unless the person requests a continuance, the hearing shall be held within 20 days after receipt of a request for a hearing. A record of all hearings shall be made.

(c) Upon such hearing, the department shall rescind its order of revocation or suspension or, if good cause is shown, may modify or reaffirm its order.

(d) At any time prior to the hearing provided in subparagraph (e) of this section, the person may request in writing an administrative review of the order of revocation. Upon receiving the request the department shall review the order, the evidence upon which it is based, including whether the person was driving or in actual physical control of a motor vehicle, and any other material information

brought to the attention of the department, and determine whether sufficient cause exists to sustain the order. Within 15 days of receiving the request, the department shall report in writing the results of the review. The availability of the administrative review of the order shall have no effect upon the availability of judicial review as provided under existing federal or state laws.

(e) Any person whose license is revoked under this section may request in writing a hearing. The request shall state the grounds upon which the person seeks to have the revocation rescinded. The filing of the request shall not stay the revocation. The hearing shall be held within 20 days after the filing of the request. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's own reports; provided, however, that the person may subpoena the officer. The department may issue subpoenas to compel the attendance of witnesses. The department shall adopt rules, pursuant to RSA 541-A, relative to hearings procedures.

II. The scope of the hearing shall be limited to the issues of:

(a) Whether the law enforcement officer requested the test pursuant to RSA 265:94-b;

(b) Whether the person was warned as required by RSA 265:94-b;

(c) Whether the person was driving or in actual physical control of a motor vehicle;

(d) Whether the person refused to submit to the testing as provided in RSA 265:92; or

(e) Whether a properly administered test or tests disclosed an alcohol concentration of 0.10 or more.

III. The hearing officer shall issue his ruling on the administrative revocation within 5 days of the hearing date.

265:94-d Restoration of Licenses Administratively Revoked.

I. Unless the revocation was for a cause which has been removed, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be eligible to apply for a new license nor restoration of his nonresident operating privilege until the expiration of:

(a) Six months from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation for a first refusal to submit to a test under the provisions of RSA 265:92;

(b) Six months from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation

for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provision of RSA 265:94-b;

(c) Two years from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation for refusing to submit to a test under the provisions of RSA 265:92 or for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provisions of RSA 265:94-b where the person has any prior driving while intoxicated or aggravated driving while intoxicated offense or for any prior refusal of consent or any prior administrative revocation of a motor vehicle license under this subdivision for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provision of RSA 265:94-b.

II. Following a license revocation under this section or RSA 265:94-b, the department shall not issue a new license or otherwise restore the driving privilege unless and until the person presents evidence satisfactory to the department that it will be reasonably safe to permit the person to drive a motor vehicle upon the highways. No driving privilege may be restored until all applicable reinstatement fees have been paid.

III. Where a license or driving privilege has been revoked under RSA 265:94-b and the person is also convicted on criminal charges arising out of the same event and a revocation has been imposed under RSA 265:94-b, both revocations shall be imposed but the total period of revocations shall not exceed the longer of the 2 revocation periods; provided, however, that any revocation for refusing to submit to a test under the provisions of RSA 265:92 shall not run concurrently with any other penalty imposed under the provisions of this title.

265:94-e Appeal. Any person aggrieved by a decision of the department under RSA 265:94-c, I(d) may appeal the decision in Merrimack county superior court as specified in RSA 263:76. Should the volume of cases exceed the capacity of the court, then the chief justice of the superior court may transfer cases brought under this section to another superior court in the state.

5 New Subparagraph; Rulemaking. Amend RSA 21-P:14, IV by inserting after subparagraph (n) the following new subparagraph:

(o) Administrative revocation of motor vehicle licenses of persons under 21 years of age, including forms, temporary licenses, and hearings procedures.

6 Administrative Revocation of Motor Vehicle Licenses. Amend the subdivision heading preceding RSA 265:94-a to read as follows:

Administrative Revocation of Motor Vehicle
Licenses [of Persons Under Age 21]

7 Rulemaking. Amend RSA 21-P:14, IV(o) to read as follows:

(o) Administrative revocation of motor vehicle licenses [of persons under 21 years of age], including forms, temporary licenses, and hearings procedures.

8 Implementation; Funding. Notwithstanding the effective date of sections 4-5 of this act, the commissioner of the department of safety or the attorney general may delay implementation of this act if funds adequate for its implementation are not appropriated. If adequate funds are not appropriated, they shall request from the legislative fiscal committee and governor and council authority to transfer from the highway fund such amounts, not otherwise appropriated, as may be required to support the implementation of this act. If such funds are not available or not granted, the commissioner of the department of safety or the attorney general may delay the implementation of this act until adequate funds are provided.

9 Repeal. RSA 265:94-a, relative to the definition of "person", is repealed.

10 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 1992.

II. Sections 6, 7, and 9 of this act shall take effect January 1, 1993.

III. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill clarifies which versions of the BOCA code and the Life Safety Code are in effect for public buildings.

The bill also prohibits the state fire marshal from adopting any rule to require in buildings owned or occupied by a political subdivision of the state as of the effective date of this bill automatic suppressant or sprinkler systems in areas in which the discharge of water would be undesirable or in certain other areas.

The bill establishes procedures for administrative revocation of motor vehicle licenses. The program shall apply in the first year only to persons under 21 years of age and shall apply to all persons effective July 1, 1992. The program covers:

(a) Implied consent.

(b) License revocation, suspension, and reinstatement.

(c) Notification requirements to persons charged under the law.

(d) Hearing procedures.

- (e) Appeals.
- (f) Rulemaking.

AMENDED ANALYSIS

This bill also authorizes the commissioner of the department of safety and the attorney general to transfer highway funds, upon approval of the legislative fiscal committee and governor and council, to support implementation of this act if adequate funds are not otherwise appropriated.

In addition, this bill allows the chief justice of the superior court to transfer cases brought under RSA 265:94-e to other superior courts if the volume of cases in Merrimack county superior court exceeds the court's capacity to hear them.

Floor Amendment Adopted.

PRESIDENT DUPONT: There was a question raised to the germaneness of this amendment. There have been several points raised about whether or not this amendment is germane to the legislation. The rule is that it is going to be allowed to go forward at this point in time, but I would just caution the committees that these types of amendments tend to stretch the issue of germaneness a little bit too far in that there probably are more appropriate pieces of legislation still remaining in the body at this point in time.

SENATOR BASS: Mr. President, I just want to make one further comment about the floor amendment that we just recently passed. I got a copy of SB 196 here, and there are some differences between the two. I think a statement was made that it was exactly the same. Having voted in the affirmative on the adoption of the amendment, I plan to vote for the adoption of the bill, reserving my right to reconsider if the changes are really substantive and constitute a different bill from that which we voted on at a previous date.

SENATOR NELSON: I would echo the remarks of Senator Bass.

Ordered To Third Reading.

HB 385, an act relative to administrative inspection warrants, town trust funds, and planning board decisions. Executive Departments committee. Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill provides a mechanism which allows towns to revoke town trust funds which are not expressly irrevocable. The bill allows certain local officials to conduct searches and inspections pursuant to administrative inspection warrants. This bill also makes decisions by a planning board which the board states are

based solely on the terms of a zoning ordinance or interpretation of such an ordinance appealable to the board of adjustment in certain circumstances.

Adopted.

Ordered To Third Reading.

HB 429-FN, an act relative to the salaries of county attorneys. Executive Departments committee. Ought To Pass With Amendment. Senator J. King for the committee.

SENATOR J. KING: HB 429 is relative to the salaries of county attorneys. Under the present method there are three counties that have their own method for setting a salary for every county attorney, and the other eight go under RSA 23. This bill puts the ten counties using the same method. That does not mean they don't have different salaries, only that the same method is used for the ten counties. The amendment to the bill has to do with those that have worked for either a local or a county government and when the state takes the people over and they become state employees, such as happened when they took over the county court houses and the maintenance people became state employees, they would like to get the same benefits and seniority considered in the bill. We recommend that you pass HB 429.

Amendment to HB 429-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the salaries of county attorneys and relative to prior service as an employee of a political subdivision.

Amend the bill by replacing section 3 with the following:

3 New Section; Service as Employee of Political Subdivision. Amend RSA 99 by inserting after section 6-a the following new section:

99:6-b Prior Service as Employee of Political Subdivision. Any person who is employed by a town, a village district, a school district, a city, or a county, and who subsequently becomes a state employee because the functions of his employment and his job with that political subdivision are taken over by the state, may count the time spent as an employee of a political subdivision as continuous with his present service as a state employee in order to obtain all benefits as a state employee. This section shall provide credit for past service as an employee of a political subdivision for compensation and benefit purposes for persons who enter state service on or after the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a uniform method for setting the salary for every county attorney. Under present law, the salary for the county attorney in Rockingham, Cheshire, and Belknap counties is set on a date different from that in other counties.

The bill also allows employees of political subdivisions whose jobs are taken over by the state to receive credit for that service after they become state employees.

Amendment Adopted.

Ordered To Third Reading.

HB 463, an act relative to rulemaking for the board of education. Executive Departments committee. Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CURRIER: This bill was one of the more controversial bills that was heard before the Executive Departments committee. It basically deals with taking rulemaking authority from the Board of Education and transferring it to the Commissioner of the Department of Education. The bill originally started off with the rulemaking authority designation and questions regarding blind services and somewhere along the process, as things do happen from time to time, other amendments get popped on them and then basically, that is how this bill was received in the Senate. It is taking the rulemaking authority from the Board of Education. The committee had mixed emotions regarding the transfer of this authority and as a result, and through some other complications, have come up with an amendment that is on page 30 of the calendar today that specifically deals with setting up a study committee with regard to this particular issue in terms of the State Board of Education. I understand that there is additional desire on the part of some of the members of the Senate to take additional action today, and I will address some comments to that at an appropriate time. But the committee's recommendation is Ought to Pass with Amendment, basically referring it to a study committee.

SENATOR DISNARD: I rise in opposition to the amendment. You may think that my nose is out of joint, but I'm just concerned that this is an Educational committee issue, and I know that it is forthcoming. It does not belong in the Executive Departments committee to make these recommendations. Many of you people that Chair committees, you're jealous of your turf. I'm concerned that this has

happened, and that the Education committee was never involved, or ever consulted on this particular amendment, and therefore I rise and ask for strong opposition to the amendment.

SENATOR MCLANE: Senator Disnard, I would be happy to give you any Ways and Means bills if you're feeling neglected. But my question is, do you feel that the Board of Education should have its own rulemaking authority or that the rulemaking authority should be with the commissioner?

SENATOR DISNARD: The Board should have its own rulemaking authority, but I did not speak to that issue. I spoke to the amendment to study the effectiveness of the State Board of Education. I was not mixing the two. If the President of the Senate felt that belongs to that area for that issue, I concur with that, but I do not concur with the amendment.

PRESIDENT DUPONT: Senator Disnard, members of the Senate. The Executive Department committee heard this bill because the question of rulemaking is a decision as it is a structure of a state government issue, and it was felt that is was not an education issue.

SENATOR DISNARD: Mr. President, I hope that you heard me say that I did not disagree with your assigning that, I just disagree with the amendment coming out the way it did.

PRESIDENT DUPONT: I understand that, Senator. I just wanted to clarify why it went to Executive Departments. And I do appreciate Senator Disnard's understanding of why it was sent to Executive Department, and it was with his concurrence.

SENATOR PRESSLY: Senator Disnard, on page 30 towards the bottom of the page, if you will notice, I think that the committee that dealt with this was very sensitive and very much aware of the role that your committee plays in this, and very specifically mentions by name that your committee should be involved in this. And I hope that . . . the question is, were you aware of that portion of the amendment, that specifically points to the committee of the Senate that you chair as being a critical component of this study?

SENATOR DISNARD: What particular line and number is that on?

SENATOR PRESSLY: It is under roman numeral I section B, three members of the Senate, one of whom shall be from the Education committee, one of whom shall be from the Executive Departments committee, and one of whom shall be from the Finance committee. So were you aware that this amendment was truly an effort to see that your committee be a player in any change to the Education Department?

SENATOR DISNARD: I read that. I understand that. But when one of six are from the Education committee, and it is an Education subject, I did not agree with what they are saying.

SENATOR HOUGH: I rise in support of the amendment before us. Were I to be able to vote for the bill without the amendment and it were to move forward, I would also choose that course. But I think realistically, you recognize as legislation passes through both bodies that we must at all times look to the possible. The subject before us and the policy of public education in this state will become under more and more scrutiny in the months to come. It is fitting and it is proper that the legislature continue to have its oversight on policy relative to public education and how the Department of Education in the state of New Hampshire operates and will operate. As a member of this Senate I was very involved with the reorganization of the Department of Education in the early to mid 80's. I was concerned that the Board that was appointed outside of Legislative Oversight to influence public policy came forward. I would feel that regardless of the immediate issues and personalities that this legislature, both House, and Senate, could look to the question of how an Executive Department of government should operate, raise the questions, and engage the dialogue, and come back with policy recommendations. I think that we would be remiss if we were not to seize this opportunity to review these subjects and come back hopefully, with the type of recommendations that will allow us to put in policy the proper authority within the Executive Department of Education to carry us to the 21 century, not for the immediate political games, but for the well being of the children yet to be amongst us. Thank you, support this amendment.

SENATOR COLANTUONO: I rise in opposition to the committee amendment on page 30 of the calendar for the study committee, as a member of the committee. As Senator Currier stated, this has been a very controversial issue this year, and I think that we all know about the process on how this came to be. The provisions for taking away the rulemaking authority of the Board of Education got put into a rather innocuous bill relating to the rulemaking of blind services. And it was done without the consent of at least two of the sponsors and it was done in a way that many people consider to have been somewhat underhanded. The committee hearing showed that the Commissioner doesn't necessarily want rulemaking authority and there is no good reason in policy to take the rulemaking authority away from the Board at this time, because it is working well. The legislature made a conscious decision to leave the rulemaking authority with the State Board several years ago, and if there is good policy reason to take it away, I believe that it should be done in a

straightforward manner with a new bill next year. There is no need for a study committee to keep that issue alive because the provisions of this bill taking away rulemaking authority were an amendment put on by the House. There was not an original bill so that there would not be no impediment for the proponents of this to come in next year and try to do it all over again in the light of day with full hearings, committee hearings, and input from the House and the Senate. I would urge my colleagues to vote against the committee amendment. Vote no on the committee amendment on page 30, and then I will be offering a floor amendment which would delete the references to taking away the rulemaking authority of the Board, and would simply go back to the original innocuous sections of the bill relating to blind services.

Amendment to HB 463

Amend the title of the bill by replacing it with the following:

AN ACT

relative to rulemaking for the board of education and
establishing a committee to study the state
board of education.

Amend the bill by replacing all after section 2 with the following:

3 Committee Established. There is hereby established a committee to study the state board of education.

4 Membership.

I. The committee members shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the education committee, one of whom shall be from the executive departments and administration committee and one of whom shall be from the appropriations committee, appointed by the speaker of the house.

(b) Three members of the senate, one of whom shall be from the education committee, one of whom shall be from the executive departments committee and one of whom shall be from the finance committee, appointed by the president of the senate.

II. The committee members shall be appointed within 30 days of the effective date of this act. The senate members shall call the first meeting of the committee. The committee shall elect a chairperson from among its members at the initial meeting of the committee.

5 Duties of the Committee. The committee shall study:

I. The need to continue the state board of education in light of Part I, Article 28-a of the New Hampshire constitution.

II. The role of the state board of education in relation to the legislature in determining educational policy.

III. The relationship between the roles of the state board of education and the commissioner of the department of education in statutory duties.

IV. Due process issues in the statutory responsibility for rule-making and administrative hearings.

6 Report. The committee shall submit a report on its findings, including any recommendations for legislation for the 1992 session of the general court, to the president of the senate, the speaker of the house and the governor not later than November 30, 1991. Any such proposed legislation shall be exempt from any filing deadlines under the general court rules.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill deletes a reference to the rulemaking authority of blind services and adds a reference to blind services under the board of education's rulemaking authority.

The bill also creates a committee to study the state board of education.

A Roll Call was requested by Senator Hough.

Seconded by Senator Roberge.

The following Senators voted yes: Oleson, W. King, Hough, Currier, Pressly, McLane, J. King, St. Jean, Shaheen, Hollingworth, Cohen.

The following Senators voted no: Heath, Dupont, Disnard, Roberge, Bass, Nelson, Colantuono, Podles, Humphrey, Russman, Delahunty.

Yeas: 11

Nays: 11

Paired votes: Senator Blaisdell and Senator Fraser.

Amendment Fails.

SENATOR COLANTUONO: I offer amendment #2949L. It has been distributed. This is a floor amendment to HB 463. This amendment deletes section 3, 4, 5, 6 of the present bill before you, 463, which are all the sections which take away rulemaking authority from the Board of Education. It returns the bill to the original form as it was introduced in the House by Representative Guest, Representative Nardi, and Senator Nelson, which was a simple bill to delete the reference to rulemaking authority to the blind services. And I would urge your support of the floor amendment.

Recess.

Out of recess.

Senator Colantuono offered a floor amendment.

Floor Amendment to HB 463

Amend the bill by deleting sections 3, 4, 5, and 6 and renumbering section 7 to read as 3.

AMENDED ANALYSIS

This bill deletes a reference to the rulemaking authority of blind services and adds a reference to blind services under the board of education's rulemaking authority.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Podles.

The following Senators voted yes: Oleson, W. King, Heath, Fraser, Currier, Disnard, Roberge, Bass, Nelson, Colantuono, McLane, Podles, Humphrey, J. King, Russman, Delahunty, Cohen.

The following Senators voted no: Hough, Pressly, St. Jean, Shaheen, Hollingworth.

Yeas: 17

Nays: 5

Senator Blaisdell excused from voting.

Floor Amendment Adopted.

Ordered To Third Reading.

SENATOR W. KING (Rule #44): In the nine years that I have been in the House and in the Senate in the state of New Hampshire, I have never seen the State Board of Education in such a swirl of controversy. And I would hope that at the very least, that the actions that have occurred in the House in the passage over to us of the bill that we have just considered and in the vote that we had on the floor of this would be seen by the State Board of Education as a shot across the bow of the issue of whether they are adequately serving the needs of the state of New Hampshire, in terms of directing public education on its course in the state of New Hampshire.

SENATOR HEATH (Rule #44): I agree with Senator King. That there has never been a time that the State Board of Education has been in such controversy. It's because something is going on at last. The dust is blowing around in the whole educational fraternity across the nation. I serve on a National Task Force on Education. Things are happening. New ideas at long last are coming in to classrooms that haven't changed since the 1840's, and those bring controversy. What we should do is not stifle new ideas and stifle the controversy in education. We have a system that is broken, it's crippled, it's behind the times. No other institution in our country has

layed around and ignored the computer revolution, and ignored new science and technology, as much as the educational institutions. That's the reason that it's coming into focus and coming into the newspapers, its new ideas. And the last thing that we should do, is to stifle that kind of controversy and that kind of reexamination of this dusty old corner of our society that has been overlooked too long.

SENATOR HUMPHREY (Rule #44): I can't improve upon Senator Heaths' remarks, but I do hope that no one will read this as Senator King would have them read it as a vote against a technicality. I don't believe that was the case at all. This was a very controversial bill and we had extensive hearings in the Executive Departments committee. And clearly this is over policy. And clearly this is yet another battle between the grasping power hungry Education elite, and professionals, and parents, who at last have a voice in the Board of Education. The Board is working well and we should leave it alone.

SENATOR HOLLINGWORTH (Rule #44): I would like to disagree with the last two speakers, Senator Humphrey and Senator Heath. The reason why we are having problems as far as I can see with Education, is because in this country we have not come to grips with the fact that we do not fund education adequately. There are no computers out there in the school rooms because we are asking the people on the property tax level to pay the total freight for education. Well there is no money in science, there is no money in math. Every single teacher who is worth their weight today, is second thinking whether they should stay in the classroom and constantly face their thought that they may be cut at any moment, and the disrespect for their hard work and their integrity in the classroom, and for their students. If there is dust blowing, the dust is blowing around because the people who care about our children in this state are truly worried about whether they should stay in the field of their choice, because they do not know that we, as the politicians that are supposed to provide funding for them, are out there looking for funding to keep them going and to promote their program and to advance them in education. It's not just at this level, but it's at the federal level. Look at the money that has been cut in education and clearly you'll see why we have a problem with education today.

SENATOR MCLANE (Rule #44): I, as a mother of five children that went through the public schools of New Hampshire, cannot stand here and listen to someone talking about the fact that nothing's happened in our schools in New Hampshire in the last 30 years and take it sitting down. How could anyone, except maybe in the Sandwich schools, which I know nothing about, make that sort of remark. In

New Hampshire we give less to education than any other state in the union. If we tripled our money for education, we would still be behind the next state which is Nebraska, which is 26 percent. There is no doubt in my mind that Charles Marston and the Department of Education are struggling their best in an impossible situation and we are about to have a New Hampshire President of the National Education Association. If Senator Humphrey wants to stand here and knock the NEA, I am going to be the first to stand up and defend them.

SENATOR HOUGH (Rule #44): They're always confusing us Senator Heath, as I said two years ago, I am the good looking one, you're the ugly one.

SENATOR HEATH: Well, I said that I was the smart one and you were the dumb one.

SENATOR HOUGH: And no one ever challenged either.

SENATOR HOUGH (Rule #44): Mr. President, I rise under the provisions of rule #44. I would simply like to address the question of Public Education in the state of New Hampshire and unfortunately, New Hampshire and Public Education is a Tale of Two Cities. Senator Humphrey, when your youngsters start kindergarten and you become involved with the individual education of your youngsters, and work with them through the schools and their activities as I have with my children, you'll begin to understand not only the dedication of the teachers in the state of New Hampshire, but the willingness and the sacrifices of the families in both of New Hampshire's cities. Within my district there are school districts in Hanover, and in Lebanon, and in New London, that may be representatives of one of New Hampshire's two cities. But there are also the Mascoma Valley Regional System and the sacrifices that the parents for the youngsters in that district make is far greater, far greater than the other districts. If you could see the advancement, and the dedication, and the leadership, and the quality of the Mascoma School District and what it was about ten years ago, you would clearly understand that education yes, is a community effort in New Hampshire. And it is a community sacrifice. We can advocate and hope and promote for it to be otherwise in terms of the resources. But do not allow us to think for a moment that education in either of New Hampshire's two cities is not the very best that the means of the people and the sacrifices of the people in the communities will bring forward. The point is that substantial, and fundamental policy, different decisions, have to be brought forward in terms of public education and that does include the funding end of education, and this subject will be before us. It will be before us in the months to come

and the years to come. Unfortunately, we have an Advisory Board to the Department of Education and the Oversight of the Legislature in setting public education policies has been thwarted repeatedly and that is what we wish to bring into focus, and that is the issue that we wish to continue to revisit; and to continue to revisit that question, we will. This subject has not been put to rest because it is a subject that does not have an end. It will continue to be debated and we will see it next January.

SENATOR OLESON (Rule #44): I think I might be the senior member of the people here, so I think that I should have my say in it. I'll say one thing to the teachers. My small town on 86 percent of all taxes raised goes for education. I think that that town has lived up to their expectations. Then I will turn around and I'll say "well I got my education because my grandparents, and my father, and mother, were interested in all us children". And all the other children, I guess they lived up to the expectations with this kind of advice and care and personal wisdom. I was the only disappointment, because I became a two-bit politician. Thank you.

SENATOR HEATH (Rule #44): I realize that I am testing the patience of the Senate doing a second rule #44, but I feel that I got a little attacked, and my community got attacked indirectly, and inadvertently, my wife got attacked, because she teaches at Sandwich School, and I thought that there was a question about the quality of education in Sandwich, I assure those Senators who believe that Sandwich produces a better quality student than perhaps most of the communities in this immediate neighborhood. Most importantly, I wanted to rise to say that these problems of the dust bowl in education today, is that too many educational groupies believed that the only thing that education needs is more money. In fact nothing has risen in the budgets any faster than education while the quality has descended. Study after study, attempting to prove that quality in education can be equated with monetary effort has failed to prove that because it isn't so.

SENATOR MCLANE (Rule #44): In defense, I would say that I did not mean to down Senator Heath's wife in anyway, but he made two statements with which I do not agree and which I think are untrue. One of them is that the quality of education has gone down. Secondly, he said that nothing new had happened in the schools in the last 30 years. Oh excuse me, 130 years. I disagree with both of those statements, and I stand by my decision. And if that is what is wrong with Sandwich Schools, then so be it.

HB 713-FN, an act relative to the general counsel of the public utilities commission. Executive Departments committee. Ought To Pass With Amendment. Senator Colantuono for the committee.

SENATOR COLANTUONO: The amendment is on page 31 of the calendar. This bill was introduced by the PUC to do two things. To establish a term for their general counsel and to increase the rate of pay by moving the general counsel from group N to group O, both of which are designed to make, to treat the general counsel with more parity with the Assistant Attorney General, who does similar work. The House deleted the increase in pay, but the Executive Departments committee felt that that was appropriate to put back in, so that has been reinstated under the committee amendment on page 31 and the committee would recommend your vote of Ought to Pass.

Amendment to HB 713-FN

Amend the bill by inserting after section 1 the following and re-numbering the original section 2 to read as 5:

2 Current Counsel. The current general counsel shall assume the position of general counsel established under section 1 of this act and shall serve a term of 4 years from the effective date of this act.

3 Position Deleted; General Counsel of the Public Utilities Commission. Amend RSA 94:1-a by deleting from group N the following: counsel, public utilities commission.

4 Position Added. General Counsel of the Public Utilities Commission. Amend RSA 94:1-a by inserting in Group O the following: general counsel, public utilities commission.

Amendment Adopted.

Ordered To Third Reading.

MOTION TO RECOMMIT

HB 720-FN, an act relative to fireworks. Executive Departments committee. Ought To Pass With Amendment. Senator Pressly for the committee.

SENATOR PRESSLY: With the concurrence of the sponsors, the committee Chair and the other members of the committee, it's the consensus that this bill should be recommitted at this time with the intention that there will be some adjustments made and would hopefully be back on the Senate floor next Tuesday. So the recommendation is to recommit for floor action on next Tuesday.

SENATOR HOLLINGWORTH: I would ask the members of this Senate to send this bill back to the committee. We are hoping that we can come to an agreement in the next day so that this will be

back before this body by Tuesday, so that it can be in the House on Tuesday. So I would ask for your support for recommitment and hopefully, we will come out with a successful agreement.

Senator Pressly moved to recommit HB 720-FN.

Adopted.

HB 720-FN, Is Recommitted To Executive Departments.

Recess.

Out of recess.

Senator Nelson in the Chair.

HB 761-FN, an act relative to leasing certain state land. Executive Departments committee. Ought To Pass With Amendment. Senator J. King for the committee.

SENATOR J. KING: HB 761 is relative to Bancroft Products which is now located in the, I think it is now Smith Farm which is now part of the hospital at one time, it still belongs to the state of New Hampshire and they want to get lease for seven years. It was on a one year basis, and they now want it for seven years at \$1 a year. What they do there is, they take care of the unemployed and the underemployed adults in a Vocational Service. During the past several years, I think it has been since 1970 something, the Bancroft Products has spent an excess of \$500,000 on repairing the building. The only bill I think that they pay is the electric bill at the present time. It's certainly a good project that they have been doing for the past 16, 17 years. The reason that they want to extend it to seven years is so that they can plan if they're going to do any major improvement in the years ahead. The state has the power to give them a one year notice and they would have to be out by then if necessary. I certainly recommend that you go along and pass HB 761.

Amendment to HB 761-FN

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. Subject to approval of governor and council, Bancroft Products, Inc. may lease from New Hampshire hospital the land and buildings on the easterly side of Iron Works Road in Concord, New Hampshire currently occupied by Bancroft Products, Inc. Such lease shall be renewable every 7 years, and shall be for no more than \$1 per year. Bancroft Products, Inc. shall be required to meet all expenses of maintenance and operation of the facility and operate in compliance with the requirements of RSA 275-C.

Amendment Adopted.

Ordered To Third Reading.

CACR 12, an act relating to rulemaking authority. Executive Departments committee. Ought To Pass. Senator Fraser for the committee.

SENATOR FRASER: Madame President, CACR 12 is a resolution that was unanimously adopted by the Executive Departments committee where the citizens of our state will have opportunity to provide the General Court with statutory authority to veto agency rules. Those of us who now or have in the past served on Administrative Rules can certainly relate to the frustration, when after a final objection, an agency ups to adopt a rule at any rate. Madam Chairman, we are requesting that the following question be put on the ballot: are you in favor of amending the Constitution to provide that the legislature may delegate regulatory authority to the Executive Branch Officials, but that any proposed rules may be disapproved by the legislature or an appropriate legislative committee as prescribed by law. I urge adoption of CACR 12. Thank you, Madam Chairman.

A 3/5 division vote is required.

Yeas: 23

Nays: 0

Adopted.

Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Heath moved that the rules be so far suspended as to allow CACR 12 to be on third reading and final passage at the present time.

A 3/5 Division vote is required.

Yeas: 23

Nays: 0

Adopted.

Ordered to Third Reading.

NOTICE OF RECONSIDERATION

Senator Currier moved that the rules be so far suspended as to allow HB 282 to be on third reading and final passage at the present time.

Adopted.

Senator Currier moved reconsideration on the HB 282-FN floor amendment.

HB 282-FN, an act relative to the BOCA Basic Building Code and the Life Safety Code. Executive Departments committee. Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR HEATH: Senator Currier, what are you about, what are you trying to do?

SENATOR CURRIER: Well, it's my understanding that this bill that we suspected that was trashed in the House, was actually re-referred to the committee for them to take action on it next week. And the House has exception to us, putting this bill on what they consider ungermane bill. I don't want to offend the House, so in moving that we take this bill off there, so that we can move forward expeditiously in handling the matters of the state.

SENATOR HEATH: Senator Currier, do you remember the end of the last session when the House offended us repeatedly on the floor and spent up to midnight or one o'clock excoriating individuals, members of this body?

SENATOR CURRIER: Do I remember that?

SENATOR HEATH: Yes.

SENATOR CURRIER: Yes, I do remember that.

SENATOR HEATH: Then why are you sensitive about their feelings?

SENATOR CURRIER: Because I think that this is important legislation and there are other ways to get this legislation passed if the intent of what they told me was not conclusive at the end of next week.

SENATOR HEATH: Senator Currier, do you have some assurance that the House will pass on this important legislation?

SENATOR CURRIER: The only assurance that I have, Senator Heath, are death and taxes.

Amendment to HB 282-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the BOCA Basic Building Code and the Life Safety Code and relative to property located at former Pease Air Force Base.

1 Amend the bill by replacing section 1 with the following:

1 Reference Change. Amend RSA 153:5 to read as follows:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in

the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt **the most recent edition of the** provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in areas of buildings or additions, in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities or electronic data processing equipment, or in facilities in which rooms or areas are protected with an automatic fire alarm system. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures or equipment. The fire marshal may exempt a building, structure or equipment from such rules if he finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

Amend RSA 155-A:1, I as inserted by section 3 of the bill by replacing it with the following:

I. Except as provided in paragraph II, all new buildings constructed by the state or by a state agency, including the university system, and all new public buildings[, including schools, halls and theaters], **as defined in RSA 155-D:2, III**, shall conform to standards not lower than those in the BOCA Basic Building Code, [as amended,] **as defined in RSA 205-C:1, II** as established by the Building Officials and Code Administrators International, Inc.

Amend the bill by replacing section 4 with the following:

4 New Subparagraph; Applicable Code Regulations Required. Amend RSA 12-G:10, V by inserting after subparagraph (d) the following new subparagraph:

(e) Any property located at the former Pease Air Force Base which is sold, leased or otherwise conveyed by the United States government to any person other than the state of New Hampshire

or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes and related codes prior to being occupied for any use by any person.

5 Effective Date. This act shall take effect January 1, 1992.

AMENDED ANALYSIS

This bill clarifies which versions of the BOCA code and the Life Safety Code are in effect for public buildings.

The bill also requires any property located at former Pease Air Force Base which is conveyed to any person other than the state of New Hampshire or one of its political subdivisions to be in compliance with all applicable land use codes, building codes, electrical codes, plumbing codes and other applicable codes before it is occupied.

Adopted.

Floor Amendment to HB 282-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the BOCA Basic Building Code and the Life Safety Code and relative to administrative revocation of motor vehicle licenses of persons under age 21.

Amend the bill by replacing all after section 3 with the following:

4 New Subdivision; Administrative Revocation of Motor Vehicle Licenses of Persons Under Age 21. Amend RSA 265 by inserting after section 94 the following new subdivision:

Administrative Revocation of Motor Vehicle Licenses of Persons Under Age 21

265:94-a Definition. For the purposes of this subdivision, "person" means any person under 21 years of age.

265:94-b Implied Consent; License Revocation.

I. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to the tests specified under RSA 265:84 when a law enforcement officer has reasonable grounds to believe that the person has:

(a) Been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more; or

(b) Been involved in an accident.

II. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph I and the test or tests may be administered.

III. Any person requested to submit to a test as provided in paragraphs I and II shall be warned by the law enforcement officer requesting the test that any prior refusal to submit to the test will result in revocation of his license to operate a motor vehicle for 6 months. If the person has had a prior refusal of consent under this subdivision, any subsequent refusal shall result in revocation of his license to operate a motor vehicle for 2 years. Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the law enforcement agency as provided in paragraph I, none shall be given.

IV. If any person refuses testing or submits to a test which discloses an alcohol concentration of 0.10 or more under this subdivision, the law enforcement officer shall submit a sworn report to the department, certifying that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which disclosed an alcohol concentration of 0.10 or more.

V. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph IV, the department shall revoke the driver's license of the person for the periods specified in RSA 265:92.

VI. On behalf of the department, the law enforcement officer submitting the sworn report under paragraph IV shall serve immediate notice of the revocation on the person, and the revocation shall be effective 30 days after the date of service. If the person has a valid license, the officer shall take the driver's license of the person, and issue a temporary license valid for the notice period. The officer shall send the license to the department along with the sworn report under paragraph IV.

VII. In cases where no notice has been served by the law enforcement officer, the department shall give notice as provided in paragraph IV and the revocation shall be effective 30 days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses.

265:94-c Hearing.

I.(a) A revocation of license under RSA 265:94-b shall become effective 30 days after the date of service of the notice of revocation.

(b) Unless the person requests a continuance, the hearing shall be held within 20 days after receipt of a request for a hearing. A record of all hearings shall be made.

(c) Upon such hearing, the department shall rescind its order of revocation or suspension or, if good cause is shown, may modify or reaffirm its order.

(d) At any time prior to the hearing provided in subparagraph (e) of this section, the person may request in writing an administrative review of the order of revocation. Upon receiving the request the department shall review the order, the evidence upon which it is based, including whether the person was driving or in actual physical control of a motor vehicle, and any other material information brought to the attention of the department, and determine whether sufficient cause exists to sustain the order. Within 15 days of receiving the request, the department shall report in writing the results of the review. The availability of the administrative review of the order shall have no effect upon the availability of judicial review as provided under existing federal or state laws.

(e) Any person whose license is revoked under this section may request in writing a hearing. The request shall state the grounds upon which the person seeks to have the revocation rescinded. The filing of the request shall not stay the revocation. The hearing shall be held within 20 days after the filing of the request. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's own reports; provided, however, that the person may subpoena the officer. The department may issue subpoenas to compel the attendance of witnesses. The department shall adopt rules, pursuant to RSA 541-A, relative to hearings procedures.

II. The scope of the hearing shall be limited to the issues of:

(a) Whether the law enforcement officer requested the test pursuant to RSA 265:94-b;

(b) Whether the person was warned as required by RSA 265:94-b;

(c) Whether the person was driving or in actual physical control of a motor vehicle;

(d) Whether the person refused to submit to the testing as provided in RSA 265:92; or

(e) Whether a properly administered test or tests disclosed an alcohol concentration of 0.10 or more.

III. The hearing officer shall issue his ruling on the administrative revocation within 5 days of the hearing date.

265:94-d Restoration of Licenses Administratively Revoked.

I. Unless the revocation was for a cause which has been removed, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be eligible to apply for a new license nor restoration of his nonresident operating privilege until the expiration of:

(a) Six months from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation for a first refusal to submit to a test under the provisions of RSA 265:92;

(b) Six months from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provision of RSA 265:94-b;

(c) Two years from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation for refusing to submit to a test under the provisions of RSA 265:92 or for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provisions of RSA 265:94-b where the person has any prior driving while intoxicated or aggravated driving while intoxicated offense or for any prior refusal of consent or any prior administrative revocation of a motor vehicle license under this subdivision for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provision of RSA 265:94-b.

II. Following a license revocation under this section or RSA 265:94-b, the department shall not issue a new license or otherwise restore the driving privilege unless and until the person presents evidence satisfactory to the department that it will be reasonably safe to permit the person to drive a motor vehicle upon the highways. No driving privilege may be restored until all applicable reinstatement fees have been paid.

III. Where a license or driving privilege has been revoked under RSA 265:94-b and the person is also convicted on criminal charges arising out of the same event and a revocation has been imposed under RSA 265:94-b, both revocations shall be imposed but the total period of revocations shall not exceed the longer of the 2 revocation periods; provided, however, that any revocation for refusing to submit to a test under the provisions of RSA 265:92 shall not run concurrently with any other penalty imposed under the provisions of this title.

265:94-e Appeal. Any person aggrieved by a decision of the department under RSA 265:94-c, I(d) may appeal the decision in Merrimack county superior court as specified in RSA 263:76. Should the volume of cases exceed the capacity of the court, then the chief justice of the superior court may transfer cases brought under this section to another superior court in the state.

5 New Subparagraph; Rulemaking. Amend RSA 21-P:14, IV by inserting after subparagraph (n) the following new subparagraph:

(o) Administrative revocation of motor vehicle licenses of persons under 21 years of age, including forms, temporary licenses, and hearings procedures.

6 Administrative Revocation of Motor Vehicle Licenses. Amend the subdivision heading preceding RSA 265:94-a to read as follows:

Administrative Revocation of Motor Vehicle
Licenses [of Persons Under Age 21]

7 Rulemaking. Amend RSA 21-P:14, IV(o) to read as follows:

(o) Administrative revocation of motor vehicle licenses [of persons under 21 years of age], including forms, temporary licenses, and hearings procedures.

8 Implementation; Funding. Notwithstanding the effective date of sections 4-5 of this act, the commissioner of the department of safety or the attorney general may delay implementation of this act if funds adequate for its implementation are not appropriated. If adequate funds are not appropriated, they shall request from the legislative fiscal committee and governor and council authority to transfer from the highway fund such amounts, not otherwise appropriated, as may be required to support the implementation of this act. If such funds are not available or not granted, the commissioner of the department of safety or the attorney general may delay the implementation of this act until adequate funds are provided.

9 Repeal. RSA 265:94-a, relative to the definition of "person", is repealed.

10 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 1992.

II. Sections 6, 7, and 9 of this act shall take effect January 1, 1993.

III. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill clarifies which versions of the BOCA code and the Life Safety Code are in effect for public buildings.

The bill also prohibits the state fire marshal from adopting any rule to require in buildings owned or occupied by a political subdivision of the state as of the effective date of this bill automatic suppressant or sprinkler systems in areas in which the discharge of water would be undesirable or in certain other areas.

The bill establishes procedures for administrative revocation of motor vehicle licenses. The program shall apply in the first year only to persons under 21 years of age and shall apply to all persons effective July 1, 1992. The program covers:

(a) Implied consent.

- (b) License revocation, suspension, and reinstatement.
- (c) Notification requirements to persons charged under the law.
- (d) Hearing procedures.
- (e) Appeals.
- (f) Rulemaking.

This bill also authorizes the commissioner of the department of safety and the attorney general to transfer highway funds, upon approval of the legislative fiscal committee and governor and council, to support implementation of this act if adequate funds are not otherwise appropriated.

In addition, this bill allows the chief justice of the superior court to transfer cases brought under RSA 265:94-e to other superior courts if the volume of cases in Merrimack county superior court exceeds the court's capacity to hear them.

Floor Amendment Fails.

HB 282-FN is Adopted with the Committee Amendment.

Ordered To Third Reading.

Recess.

Out of recess.

President Dupont in the Chair.

SUSPENSION OF THE RULES

Senator Delahunty moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 513 be put on Second Reading at the present time.

Adopted.

SENATOR HEATH: Senator Currier, is this the Senator Currier that had such a respect for process?

SENATOR CURRIER: Senator, I don't want to be here Tuesday dealing with a lot of important messages and an additional 50 bills to deal with. If we can get these bills taken care of today, it being non-controversial and it being basically housekeeping administrative bills, I would like to deal with them today. The process around here is very confusing at times and I want to add to that process and the confusion.

HB 513, relative to the eminent domain procedure act and unpaid taxes. Executive Departments committee. Ought To Pass. Senator Currier for the committee.

Adopted.

Ordered To Third Reading.

SUSPENSION OF THE RULES

Senator Currier moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 547 be put on Second Reading at the present time.

Adopted.

HB 547-FN, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns. Executive Departments. Ought To Pass. Senator Fraser for the committee.

SENATOR FRASER: All this bill does is to establish a date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns. The bill is non-controversial, it was adopted unanimously by the committee and we urge its adoption by the Senate.

Recess.

Out of recess.

Adopted.

Ordered To Third Reading.

SUSPENSION OF THE RULES

Senator J. King moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 667 be put on Second Reading at the present time.

Adopted.

HB 667, relative to clean-up of health nuisances. Executive Departments. Ought To Pass. Senator Pressly for the committee.

SENATOR PRESSLY: This bill's purpose is to create a standard procedure for the enforcement of orders of the health officer. This procedure would allow the town to correct the health nuisance and recover its cost, but it still gives fair notice and due process to the landowner.

SENATOR HEATH: Senator Pressly, in just quickly glancing at this bill, it looks to me that you could take a person's home for a fairly small consideration if that person couldn't actually afford to immediately clean-up a problem that existed. It seems to me that this is attacking in many cases, as this would be attacking a small problem with a sledge hammer.

SENATOR PRESSLY: Okay. Thank you. That is a very good question. My understanding is that this is like any other fine, and it is just a simple lien. And that the landowner has due process and it will be handled just like any other complaint, any other form, and if you

would like to ask more questions, I would be happy to yield to the Chairman of the committee who is happy to answer these questions.

SENATOR HEATH: Senator Currier, if a person in New Hampshire goes into bankruptcy they are allowed to keep their home. If a person doesn't pay a traffic ticket, they're allowed to keep their home. This legislation would take their home away, wouldn't it? For something for example, a small farmer has a run off of fertilizer or something, and can't afford in two years and a day, to clean that up, he could lose his home, couldn't he?

SENATOR CURRIER: Senator, the analysis is a little misleading as we the committee understand it. The basis for the collection is putting a lien proceeding onto this current statutes just like they do for nonpayment of taxes when the health officer goes into a situation to clean-up a nuisance, a health threat or nuisance. In fact yes, someone could, through that lien proceedings, ultimately, lose their home should they not be able to pay the reimbursement to the community for cleaning up the nuisance.

SENATOR HEATH: Senator, doesn't this have the potential of turning the Health Department in some small towns where feelings run high and feuds evolve on occasion into neo-nazis?

SENATOR CURRIER: Senator, I don't believe that that would be the case for a minute. I know that in the 12 years that I was on the Board of Selectmen in the town of Henniker, that we had numerous problems with health situations where the town was forced to clean-up and wasn't able to effectively get the money back for cleaning up somebody else's problem. What the cities and towns are asking for in this particular case, is to apply a lien proceeding just as they do in other cases when people for example are on welfare. They put a lien on the person's property so that when that person dies, that the city or town will get that money back. And basically, what we are talking about here is that this is basically the same type of issue here. If in 2½ and 1 day the person can't pay \$250 or whatever it might have been to clean-up the, to reimburse the town for cleaning-up the mess, that they in fact created, then that is the consequence that they would have to face at that time.

SENATOR HEATH: Senator Currier, let me give you a for instance and tell me if you think this is fair. An individual has an oil storage tank and they are away on vacation or away at work. It bursts a seam. It soaks in a considerable amount of soil. You know as well as I know, that those clean-ups can run into the tens of thousands of dollars in addition monitoring wells around the perimeter if it's moving further. Isn't it quite likely that a person couldn't afford that in two

years and a day, and would lose their property over something as accidental and inadvertent as that?

SENATOR CURRIER: If the town or city in that particular case that you referred to was to in fact impose the lien procedure which is allowed under this amendment to the statute, yes, in fact that probably would be unfair; however, I think part of the problem is that the case that you cite is basically something dealing with a lot of environmental issues that DES probably already had authority to deal with in terms of the clean-up of that particular situation. This situation that we are talking about in this bill is a specific health threat issue. The cleaning-up of excess garbage that has been amounting in someone's yard for 2½ years. That type of thing.

SENATOR HEATH: It doesn't say that. It doesn't limit it to that and it's taking a persons house as the ultimate consequence, is it not?

SENATOR CURRIER: Just like they do for nonpayment of taxes, yes, that is correct.

SENATOR HEATH: Which relates to the ownership of property.

Adopted.

Ordered To Third Reading.

Senator Heath in opposition to the suspension of HB 667.

HB 161-FN, an act to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system. Insurance committee. Ought To Pass With Amendment. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The committee on Insurance moves Ought to Pass with Amendment on HB 161. This bill is in three parts. It affects the federal employees, some of whom are vested. In other words, they have their own portion of the retirement system with them. We hire them and they can take a part of the retirement system with them. They would like to participate in our retirement system. We just allow them to transfer some of their time and money into our system at no cost to anyone; state, county, or town. It is no cost to the retirement system. They still have to meet our requirements. This is actually a benefit to us because it enriches our retirement system. The second part, is death benefits. There was a loophole before, where there was a 30 day period where a retiree was in limbo. If he technically retired from the job and filed

papers with the retirement system that had not received any benefits, the paperwork process was a time-lag. Now if he should die during that time period, his beneficiaries could not receive the benefits. This corrects that problem. The third area that is addressed, is to define employer participation in the retirement system. It was recently discovered that we have certain groups in our retirement system that may cause the feds to look at it as other than a retirement system designed for government and political subdivisions. Therefore, we could have a problem if this is not addressed. So we would have to come under ERISA, which is not what we wanted to do. And we could lose a major amount of control over our system. So this would address that problem. There is one amendment that deals with the Rockingham County Commissioner that works full time, but as the law was defined that it required them to work regular hours. This change was in bill 62 which we are holding in the committee for Senator Bass who is working on a proposal to address the need in the event that some of our employees should be let go of their positions in their jobs and some other problems that we have. So that bill is being held. There is a floor amendment coming in to address a small problem that we also had and we hope that you can move Ought to Pass With Amendment on this bill.

Recess.

Out of recess.

Senator Heath in the Chair.

Amendment to HB 161-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to retirement system benefits and retirement system membership eligibility.

Amend the bill by replacing all after section 7 with the following:
8 Membership Eligibility for Elected and Appointed Officials.
Amend RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman or permanent fireman after the date of establishment shall become a member of the retirement system as a condition of employment; except that membership shall be optional in the case of elected officials, officials appointed for fixed terms, **unclassified state employees**, or those employees of the general court who are eligible for membership in the retirement system. **Elected officials**

and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

(1) The office held is a full-time position with eligibility for the same fringe benefits as other full-time employees of the employer;

(2) The office held is the primary occupation of the person holding the office;

(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,700 hours of employment; and

(4) The official satisfies the conditions under subparagraphs (1)-(3) by using only one elected or appointed office to qualify.

9 Repeal. RSA 100-A:28-a, relative to special fringe benefits for certain employees who have withdrawn from the retirement system, is repealed.

10 Application; Special Fringe Benefits; Buy-In of Retirement System Credit. Any person who, on the effective date of this act, is enrolled under the provisions of RSA 100-A:28-a, II, repealed by section 9 of this act, shall have until December 31, 1991, to elect either to terminate enrollment or to resume full membership in the retirement system. Such election shall take effect on the first day of the month following receipt of the election by the retirement system. If no election is received, enrollment under RSA 100-A:28-a, II shall terminate as of January 1, 1992.

11 Application; Elected and Appointed Officials. Any elected official or official appointed for a fixed term who is a currently a member of the New Hampshire retirement system, and whose office does not meet the requirements for membership as provided in RSA 100-A:3, I(a), as amended by section 8 of this act, shall continue to be a member of and be eligible for membership in the retirement system until the end of the official's current term of office. The official shall not be eligible for continued membership in the retirement system upon reelection or reappointment to the same office, and membership shall terminate at the end of the current term.

12 Appropriation from Administrative Account. There is hereby appropriated the sum of \$50,000 from available amounts in the New Hampshire retirement system administrative account, as established under RSA 100-A:14, XIII for the purpose of implementing the provisions of sections 1, 2, 3, and 7 of this act. The board of trustees is authorized in its sole discretion to expend such funds as it deems necessary to implement the provisions of sections 1, 2, 3, and 7 of this act, including but not limited to the employment of tempo-

rary employees. Any unexpended funds from this appropriation shall lapse to the administrative account on June 30, 1992.

13 Appropriation to Retirement System Study Committee Non-lapsing. Amend 1991, 1:6 to read as follows:

1:6 Appropriation. The sum of \$100,000 is hereby appropriated for the fiscal year ending June 30, 1991, from the New Hampshire retirement system administrative account to be expended by the committee established by this act for the purposes of this act. **The sum which is appropriated in this section shall be nonlapsing.** Of this sum \$40,000 may be expended by the committee without any prior approval, and \$60,000 may only be expended subject to the prior approval of the fiscal committee of the general court.

14 Effective Date. This act shall take effect June 30, 1991.

AMENDED ANALYSIS

This amendment requires that those employers permitted to participate under the New Hampshire retirement system shall be solely limited to the government of the state of New Hampshire or the governments of its political subdivisions, and any agencies or instrumentalities thereof, for the purpose of maintaining the retirement system's tax exempt status as a qualified governmental pension plan meeting the requirements of sections 401(a) and 414(d) of the United States Internal Revenue Code of 1986, as amended. What constitutes a "government", "political subdivision", "agency" and or "instrumentality" for purposes of system coverage is necessarily defined with respect to applicable federal rather than state law.

Regarding those nongovernmental employers currently contributing to the system, in order to preserve the retirement system's tax exempt status as a governmental plan, such nongovernmental employers and employees shall be required to cease contributions, and those nongovernmental employees presently covered under the system shall cease to accrue benefits under the system, no later than June 30, 1991.

All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing nongovernmental employees, and the system shall cooperate with withdrawing nongovernmental employers in their establishing successor retirement plans and shall cooperate in arranging for the transfer of such employee retirement benefits earned under the system to successor retirement plans where practicable.

The bill amends the retirement system statutes by:

(1) Repealing the special fringe benefit for certain unclassified officers or employees who withdraw from the retirement system and who make equivalent contributions to an IRA.

(2) Defining the conditions which elected and appointed officials must meet in order to be eligible for membership in the retirement system.

The bill also amends the 1991 appropriation made to the retirement system study committee to make it nonlapsing.

Senator Roberge moved to Have HB 161-FN, Laid On The Table.

Division vote. Yeas: 1 - Nays: 22.

Laid On The Table Motion Fails.

Amendment Adopted.

Ordered To Third Reading.

HB 571-FN, an act relative to multiple-employer welfare arrangements.

Insurance committee. Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill establishes or authorizes the Insurance Commission to establish a system of regulation for multiple employer welfare arrangements, otherwise known as MEWA's. At the current time they are not regulated at all in the state of New Hampshire. Now a multiple employer welfare arrangement is essentially a system whereby a large employer's or association's can offer private health insurance to their members at, in most cases obviously, a cost saving to employees. There have apparently been some problems as of late due to the fact that there has been no control over the assets or liabilities of these arrangements. And this bill attempts to set up a frame work in which the department can adequately monitor and regulate these MEWA's. The amendment which is brought to the committee establishes an exemption from certain portions of these regulations for the existing multiple employer welfare arrangements that are based on all of the following: Are based in New Hampshire, and have been around for more than ten years and maintain a fund termination liability policy of 40 percent or more and file financial reports to the Insurance Department on a regular basis. The committee urges the Senate's adoption of its recommendation of Ought to Pass with Amendment.

Amendment to HB 571-FN

Amend RSA 415-E:1 as inserted by section 1 of the bill by replacing it with the following:

I. "Multiple-employer welfare arrangement" means an employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers, or to their beneficia-

ries. This shall include plans established by any political subdivision of the state or religious organization, but shall not include any plan or arrangement established or maintained under or pursuant to one or more agreements deemed collective bargaining agreements under section 3(40)(A)(i) of the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA). For the purposes of this chapter, 2 or more trades or businesses, whether or not incorporated, shall be deemed a single employer if such trades or businesses are under common ownership or within the same control group as defined under section 3(40)(B) of ERISA.

II. "Commissioner" means the insurance commissioner of the state of New Hampshire.

III. "Fund balance" means the total assets in excess of total liabilities, except that assets pledged to secure debts not reflected on the books of the multiple-employer welfare arrangement shall not be included in the fund balance. Fund balance shall include other contributed capital, retained earnings, and surplus notes.

IV. "Insolvency termination" means the termination of an arrangement where the fund balance as of the termination date is inadequate.

Amend RSA 415-E:2, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall, after April 1, 1992, operate a multiple-employer welfare arrangement unless such arrangement is approved by the commissioner. No person shall, after April 1, 1992, operate a multiple-employer welfare arrangement in existence prior to April 1, 1992, unless such arrangement has submitted for approval in compliance with RSA 415-E:4, or otherwise meets the special requirements of paragraph III of this section.

Amend RSA 415-E:2 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraphs:

III. RSA 415-E:4, RSA 415-E:8, RSA 415-E:9, III and RSA 415-E:11 shall not apply to a multiple-employer welfare arrangement which:

(a) Meets the general eligibility requirements of RSA 415-E:3, I;

(b) Is administered primarily from a principal place of business located within the state of New Hampshire;

(c) Has provided employee health benefits for a continuous period of 10 or more years;

(d) Maintains a termination liability fund wherein the fund balance plus the total liabilities of the multiple-employer welfare arrangement shall at no time, for a consecutive 90-day period, be less than 40 percent of the aggregate amount of premiums billed during the 6 prior months. For purposes of this subparagraph, that surety

amount, if any, deposited with the commissioner pursuant to RSA 415-E:7, I, may be credited as a fund balance asset toward the termination liability fund amount required under this chapter; and

(e) Files with the commissioner, not later than 4 months following the end of each fiscal year, a report on the financial status of the termination liability fund, which report is filed under oath by a member of its board of trustees, or by an administrative executive duly appointed by the board, and further certified to by an independent certified public accountant with a place of business located within the state of New Hampshire.

IV. In the event a multiple-employer welfare arrangement does not satisfy the requirements of paragraph III, the arrangement shall within 60 days file with the commissioner an application for approval under RSA 415-E:4, and shall be subject to all provisions of this chapter until such time as the requirements of paragraph III are satisfied.

Amend RSA 415-E:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The arrangement shall issue to each covered employee a policy contract, certificate, summary plan description, or other evidence of the benefits and coverages provided. This evidence of the benefits and coverages provided shall contain in boldfaced print in a conspicuous location, the following statement: "The benefits and coverages described herein are provided through a trust fund established and funded by a group of employers." Arrangements in existence prior to January 1, 1992, that have previously issued benefit descriptions to employees may meet the disclosure requirements under this chapter by issuing to each employee such additional written material necessary to meet the requirements of this paragraph.

Amend RSA 415-E:3, V as inserted by section 1 of the bill by replacing it with the following:

V. The commissioner shall not grant or continue approval until such time as the arrangement replaces any trustee found by the commissioner, upon the presentation of sufficient evidence:

- (a) To be incompetent;
- (b) To be guilty of, or to have pled guilty or no contest to a felony, or a crime involving moral turpitude;
- (c) To have had any type of insurance license revoked in this or any other state;
- (d) To have improperly manipulated assets, accounts, or specific excess insurance or to have otherwise acted in bad faith.

Amend RSA 415-E:3, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Failure to maintain compliance with applicable eligibility or filing requirements established by this section shall be grounds for suspension or revocation of approval of an arrangement, provided, however, that such arrangement shall have 60 days after notification by the commissioner to take such action necessary to correct the deficiency.

Amend RSA 415-E:6, I and II as inserted by section 1 of the bill by replacing them with the following:

I. The commissioner may, upon reasonable notice, conduct an examination of the loss reserves, financial condition, specific excess insurance, and working capital of a multiple-employer welfare arrangement. If the commissioner preliminarily finds that the reserves, specific excess insurance, or financial condition may be inadequate, or that the arrangement does not have a combined working capital in an amount establishing the financial strength and liquidity of the arrangement to pay claims promptly and showing evidence of the financial ability of the arrangement to meet its obligations to covered employees, the commissioner shall notify the arrangement of such inadequacy. Upon being so notified, the arrangement shall within 30 days file with the commissioner all information which, in the belief of the arrangement, proves the reasonableness and adequacy of the condition noted as being inadequate.

II. If the commissioner determines, after reviewing the information filed, that an inadequate condition exists, the arrangement shall implement, within 30 days a plan to correct the inadequacy and shall file proof of reasonable improvement or adequate condition with the commissioner within 6 months of the implementation of the plan. If the commissioner is satisfied that the plan submitted to improve the inadequate condition of the arrangement is sufficient, he shall so notify the arrangement. The arrangement shall report quarterly to the commissioner until the causes of the inadequate condition have been corrected.

Amend RSA 415-E:7, I as inserted by section 1 of the bill by replacing it with the following:

I. To assure the faithful performance of its obligations to its member employers and covered employees and their dependents, every arrangement shall, within 30 days after the close of the arrangement's fiscal year, deposit with the commissioner cash, securities, or any combination of these or other measures acceptable to the commissioner, in an amount equal to 25 percent of the proceeding 12 months' health care claims expenditures or 5 percent of gross annual premiums for the succeeding year, whichever is greater; however, in no case shall the amount of the deposit exceed \$100,000. All income from deposits shall belong to the depositing arrangement and shall

be paid to it as it becomes available. An arrangement that has made a securities deposit may withdraw that deposit, or any part of such deposit, after making a substitute deposit of cash, securities, or any combination of these or other measures of equal amount and value, upon approval by the commissioner. No judgment creditor or other claimant of a multiple-employer welfare association shall have the right to levy upon any of the assets or securities held in this state as a deposit under this section.

Amend RSA 415-E:7 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. In the event of an insolvency termination, the deposit held by the commissioner pursuant to RSA 415-E:7, I, or the bond held by the commissioner pursuant to RSA 415-E:7, II, shall be applied to the extent of the insolvency. Any deposit funds remaining in excess of the amount needed to make the arrangement solvent shall be distributed in accordance with RSA 415-E:10.

Amend RSA 415-E:9, III as inserted by section 1 of the bill by replacing it with the following:

III. Each policy issued by the arrangement shall contain a statement of the contingent liability. Both the application for insurance and policy shall contain, in contrasting color and not less than 10-point type, the following statement: "This is a fully assessable policy. In the event the arrangement is unable to pay its obligations, policyholders (employers) shall be required to contribute on a pro rata earned premium basis the money necessary to meet any unfulfilled obligations."

Amend RSA 415-E:10 as inserted by section 1 of the bill by replacing it with the following:

415-E:10 Termination of Arrangement. If an arrangement is terminated for any reason, it shall pay all outstanding claims, debts, and obligations. The arrangement may retain sufficient funds to provide coverage for such additional period as the trustees of the arrangement consider prudent. In addition, the trustees may purchase such additional insurance as they consider necessary for protection against potential future claims. Any funds remaining in the arrangement after satisfaction of all obligations upon termination shall be paid to participating employers and/or covered employees as of the termination date in some equitable manner meeting with the approval of the commissioner, including, without ruling out other alternatives, equally on a per capita basis to each participating employer and/or employee who is covered under the arrangement as of the effective date of termination.

Amend RSA 415-E:13, I as inserted by section 1 of the bill by replacing it with the following:

I. Subject to other provisions in this chapter, the commissioner shall deny, suspend, or revoke an arrangement's approval if it finds that the arrangement:

(a) Has failed to meet the financial requirements of this chapter or has violated any lawful order or rules.

(b) Has refused to be examined or to produce its accounts, records and files for examination, or if any of its officers has refused to give information with respect to its affairs or to perform any other legal obligation as to such examination, when required by the commissioner.

(c) Has failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final.

(d) No longer meets the requirements for the authority originally granted.

Amend RSA 415-E:14 as inserted by section 1 of the bill by replacing it with the following:

415-E:14 Penalties.

I. Subject to other provisions in this chapter, any arrangement that fails to obtain and maintain a valid approval from the commissioner while operating or maintaining a multiple-employer welfare arrangement shall be subject to a fine of not less than \$5,000 or more than \$50,000 for each violation.

II. Subject to other provisions in this chapter, the commissioner may issue a cease and desist order if he finds any person operating or maintaining a multiple-employer welfare arrangement without a currently effective certificate of approval.

Amendment Adopted.

Ordered To Third Reading.

HB 576-FN, an act relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. Insurance committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: Yes, 576 that was the investments bill by insurance companies. Essentially, the important thing for that was we found a provision in there on page 12 that allowed the insurance companies to give their employees unsecured loans up to a quarter million dollars. And we thought that that was totally inappropriate and it really made me wonder where the Insurance Commissioner in this state is coming from with some of that stuff. Because I just felt that, some of us on the committee felt, that that was way too much money at this day and age to be loaning out insecure, giving what the economy is. So we struck that out. And Senator Colantuono had concerns about the percentages of investments that they were al-

lowed to put in of their policyholders money. So we have all of those essentially, are working with the insurance office and hopefully, that would be more of a conservative investment approach and so we would ask you to support the committee recommendation of Ought to Pass with Amendment.

Amendment to HB 576-FN

Amend RSA 402:28, I(d)(2) and (3) as inserted by section 2 of the bill by replacing it with the following:

(2) A company shall not invest more than 2.5 percent of its capital and surplus in any one such partnership.

(3) The aggregate carrying value of all investments in limited partnerships shall not exceed 2.5 percent of the company's admitted assets.

Amend RSA 402:28, I(g)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) No investment in any single issue made under this paragraph except for bonds, notes, or obligations issued, assumed, guaranteed, or insured by any of the entities described in subparagraphs (a) or (b) shall exceed an amount equal to 2.5 percent of such company's admitted assets.

Amend RSA 402:28, I(j)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) A company shall not have initial or maintenance margin outstanding under this paragraph of more than 5 percent of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write.

Amend RSA 402:28, I(k)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) A company shall not purchase as opening transactions under this paragraph more than 5 percent of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write.

Amend RSA 402:28, I(l) as inserted by section 2 of the bill by replacing it with the following:

(l) Options and Futures Contracts. Options or futures contracts traded in markets regulated under the laws of the United States, or by an agency thereof, and other contracts or instruments for the purpose of reducing the company's economic risk in connection with potential changes in the value of specifically identified assets which the company owns or could reasonably expect to acquire,

or specifically identified liabilities which the company has or reasonably expects to incur. The aggregate cost of investments held under this paragraph shall not exceed 2.5 percent of the company's admitted assets.

Amend RSA 402:28, I(m)(4)(C) as inserted by section 2 of the bill by replacing it with the following:

(C) A company is limited to no more than 5 percent of its admitted assets being subject to lending of securities, repurchase agreements or reverse repurchase agreements transactions outstanding with any one entity under this paragraph.

Amend RSA 402:28, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Foreign Investments Denominated in Foreign Currency. A domestic company may invest in stocks, warrants, rights or other securities, bonds, notes, or obligations, of foreign entities which are denominated in a foreign currency, which are of the same kind, class and grade of United States investments which are authorized under any other provision of this subdivision. The aggregate carrying value of all investments under this paragraph shall be 5 percent of such company's admitted assets.

Amend RSA 402:29 as inserted by section 3 of the bill by replacing it with the following:

402:29 Loans to Transferred Employees. A company may lend funds, on a secured basis, to an employee to defray, in whole or in part, the expenses of such employee who has been transferred. The maximum amount of any such loan to an employee shall be \$250,000. This section also shall not prohibit the taking of a secured mortgage by a company on real property serving as the residence of any of its officers, employees, or directors. Such mortgage shall not exceed 85 percent of the appraised value of such realty as determined by an independent appraiser or the market value, whichever is the lesser amount. One of the terms of such mortgage shall provide that the outstanding balance of the mortgage becomes immediately due and payable to the company upon termination of the employment, or officer or director relationship, between the company and the mortgage, or upon termination of said person's ownership of said real property.

Amendment Adopted.

Ordered To Third Reading.

HB 274-FN, an act relative to sentencing to county correctional facilities. Judiciary committee. Ought To Pass With Amendment. Senator Colantuono for the committee.

SENATOR COLANTUONO: This bill, the purpose of this bill was to correct an inconsistency in the sentencing statutes. RSA 651 was not consistent with RSA 30-B. It allowed judges to sentence prisoners to, in misdemeanor cases, to any house of corrections in the state. RSA 30-B said that the person had to be sentenced in the county in which he was tried. We passed that portion of the bill. But we also passed the amendment appearing on page 41 of the calendar, which allows a defendant to petition the sentencing court to be transferred to his home county in case they have work release or for some other good cause shown. So we urge that the full Senate adopt the amendment and then pass the bill as amended.

Amendment to HB 274-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sentencing and transfers to
county correctional facilities.

Amend the bill by replacing section 2 with the following:

2 Transfer to County Correctional Facility. Amend RSA 30-B:21 to read as follows:

30-B:21 Temporary Removal or Transfer. Any person confined in a county department of corrections facility may be transferred to any other county department of corrections facility or to the county department of corrections in another county when such transfer is in the public interest. The transfer proceeding shall be by petition of the superintendent of the transferring county department of corrections to the original sentencing court, subject to the approval of the county commissioners of the county to which the transfer is planned, **or by petition to the original sentencing court for the purpose of facilitating work release or for other good cause shown.** Said court may, after hearing and for good cause shown, order such transfer under such terms and conditions as appear necessary. The expense of transfer and maintenance shall be paid by the county petitioning for the transfer, unless waived by the receiving county department of corrections in accordance with a reciprocal or other arrangement between the counties involved. The superintendent of the transferring county department of corrections shall have custody over the prisoner during the transfer by a regular or specially authorized officer of that county. Upon admittance to the receiving facility, the prisoner shall be under the custody of the superintendent of the receiving county department of corrections.

3 Effective Date. This act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill makes RSA 651:18 consistent with RSA 30-B:15, clarifying that any person sentenced to a county correctional facility for a misdemeanor shall be committed to a county correctional facility in the county in which the offense is committed.

The bill also permits a defendant confined in a county department of corrections facility to petition for a transfer to another county corrections facility for the purpose of facilitating work release or for other good cause shown.

Amendment Adopted.

Ordered To Third Reading.

HB 416-FN, an act relative to drug-free school zones and making appropriations therefor. Judiciary committee. Ought To Pass With Amendment. Senator Colantuono for the committee.

SENATOR COLANTUONO: This bill establishes a statute relating to drug-free school zones. It sets up a proceeding where signs are set-up to identify those zones, and it also makes it an offense to sell drugs within that zone which would subject a person to double punishment under the criminal law for violations. A minimum prison term of one year for this offense. The committee felt that that was inappropriate given the fact that there is no history or complaints of judges not giving stiff sentences for these types of crimes and we cut that out of the bill.

SENATOR BASS: Senator Colantuono, I must admit that I haven't been following this issue at all. It seems to me, I was on the Judiciary last session, didn't we already pass a drug-free zone bill, and if so, how does this change the bill that we changed last year?

SENATOR COLANTUONO: Yes, a bill was passed to enhance penalties in the drug sale statute RSA 318-B. This basically sets up a statute 193-B which defines drug-free school zones. It sets out rule-making as to how the zones will be mapped out. How they will be signed, so that everyone will know where they are. In other words, it improves upon what was done last year. It also sets up a toll free hotline to take information about persons who sell within those zones. I guess the ultimate purpose of doing this was that it was to take advantage of some federal money that was available for states that would set up this kind of statute. So it goes beyond what we did last year.

SENATOR BASS: Is there a fiscal impact?

SENATOR COLANTUONO: The bill appropriates \$1 from the general fund and the other money comes from the federal government.

SENATOR NELSON: I would just like to make the point that the original piece of legislation had mandatory sentencing and was very stiff and this bill has a little change in it.

SENATOR SHAHEEN: I wonder if Senator Colantuono could speak to why the committee felt that it was important to change those mandatory sentences?

SENATOR COLANTUONO: Yes, I addressed that partially, by saying that there has been no evidence that courts are not giving stiff sentences in these offenses. The bill last year allowed for double penalties, and people who are selling drugs within school zones are getting severe stiff penalties. Such that there is no need to make a statement that we need to give a minimum, because they are getting a lot more than that anyway. We just came back from a conference a few days before that, in which the legislatures got together with the bench, and the bar, in which it was emphasized that when we pass bills that do this kind of thing, sometimes we often forget about the fiscal impact, and so on, and so forth. But the bottom line was that we didn't want to send a message to the courts that we didn't think that they were doing a good job, because they are doing a good job. And so there is no need for it at the time. If there were a need for it, I think the committee would have felt differently about it.

SENATOR HOLLINGWORTH: I just wanted to say also, that Senator Colantuono asked also, didn't the court, we feel, the committee felt that it would be appropriate to take away the discretion of the judges since in fact, there could be a situation where the judge should have that discretion to change that fine.

SENATOR COLANTUONO: That is always a consideration, Senator.

SENATOR NELSON: Senator Shaheen, would you believe, that there was some of us on the committee that very afternoon in Executive session who felt that we should cut the hands and feet off of anybody who was in the area selling drugs to kids. We couldn't get it through the committee, would you believe?

SENATOR SHAHEEN: I would certainly believe that. And shall I assume in believing that that you would like to see that part of the bill changed back?

SENATOR NELSON: Well, I did vote with the committee with undo pressure. No, I'm just kidding, I voted along with them at the time, but my initial sense was to support mandatory sentence and I

don't think that there is anything that we can do, Senator Shaheen. I believe one of my other colleagues on the committee thought that capital punishment might be more appropriate than mandatory sentencing, Senator Shaheen. I think that we should do anything that we could to anybody who goes into a drug-free zone, the fact that in the United States that we have to talk about a drug-free zone, Senator Shaheen, makes me sick would you believe?

SENATOR SHAHEEN: I would wholeheartedly agree with you, Senator Nelson.

Amendment to HB 416-FN-A

Amend section 1 of the bill by replacing all after RSA 193-B:5 with the following:

193-B:6 Penalties.

I. It shall be a violation for any person to cover, remove, deface, alter or destroy any sign or other marking identifying a drug-free zone as provided in RSA 193-B:4, I.

II. Lack of knowledge that the prohibited act as defined in RSA 193-B:2 occurred on or within 1,000 feet of school property shall not be a defense.

III. A violation of RSA 193-B:2 shall not include an act which occurs entirely within a private residence wherein no person 17 years of age or under is present.

IV. A violation of RSA 193-B:2 shall be punishable in accordance with RSA 318-B:26.

Amend RSA 318-B:26, V as inserted by section 2 of the bill by replacing it with the following:

V. Any person who violates this chapter or RSA 193-B by manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private elementary, secondary, or secondary vocational technical school, may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section.

Amendment Adopted.

SENATOR SHAHEEN: Everyone should have in front of you the Capital Punishment floor amendment. I'm just kidding. Amendment 2943L. Does everyone have a floor amendment to 416. What this does is to extend the drug-free zone to public parks, playgrounds, and public housing authorities. This comes at the request of a number of Public Housing Authority Directors from the Seacoasts' area who felt that drugs are a real concern in public housing areas and

that one way to address that would be to extend the drug-free zone into those areas as well. I urge everyone to pass the floor amendment.

SENATOR COLANTUONO: This approach is exactly the same approach as that fine Republican secretary of Housing and Urban Development, Jack Kemp as advocated at the federal level, and I am glad to support a good Republican issue here. Thank you very much, Senator Dupont.

SENATOR NELSON: Thank you. I rise in strong support of a very strong, smart, bright, intelligent Democrat who had the guts to bring it on the floor in New Hampshire, not some guy in Washington.

Adopted.

Senator Shaheen offered a floor amendment.

Floor Amendment to HB 416-FN-A

Amend the bill by replacing section 2 with the following:

2 Selling Drugs Near Schools and Certain Other Public Property; Mandatory Penalty. RSA 318-B:26, V is repealed and reenacted to read as follows:

V. Any person who violates this chapter by manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private elementary, secondary, secondary vocational technical school, public park, playground, or public housing authority, may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section.

AMENDED ANALYSIS

This bill defines a drug-free school zone in the state as any area within 1,000 feet of any property used for school purposes by any school, whether or not owned by such school, and within or immediately adjacent to school buses. The bill imposes enhanced penalties for any person who manufactures, sells, prescribes, administers, dispenses, or possesses with intent to sell, dispense, or compound any controlled drug or its analog, in a drug-free school zone or in or near a public park, playground, or public housing authority property at any time of the year.

The bill requires school administrative units to publish maps of and post signs at drug-free school zones. The department of education, in consultation with the New Hampshire Police Chief's Association, is required to adopt rules relative to the posting with signs of such zones.

The bill establishes a toll-free hotline for the purpose of responding anonymous information on drug activity to local law enforcement agencies. The department of safety is responsible for coordinating and adopting rules for the establishment and operation of the hotline. The toll-free number for the hotline is to be displayed on the drug-free school zone signs developed by the department of education.

This bill appropriates funds to the department of education and the department of safety.

Floor Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

President Dupont in the Chair.

HB 595-FN, an act relative to citations for building code and land use violations. Judiciary committee. Ought To Pass With Amendment. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The committee on Judiciary would move Ought to Pass on HB 595 with amendment. This bill, requested by a number of the cities and towns and the Municipal Association will allow the municipalities to enforce the building and land use code without taking a violator to court. It will allow the violator to mail his plea of guilty, or nolo contendere or with a fine, similar to the way that track violations are now handled. The violator can still go to the courtroom if they are in disagreement with the citation. It will cut down on court cost and time. In most cases building code and land use violators are currently a misdemeanor and in order to use this citation by mail process, the enforcement officer would have to reduce the charge to a violation, which is currently allowed in law. The violator will be sent a written notice of violation prior to the issuance of the citation. The reason is that land use violations or building code violations tend to go on and the penalty does not start until the person has received the notice. The violator will also have the right to appeal locally. We amended the bill to take out the penalty assessment portion. The town and cities can still fine the violator, but no additional assessment will be allowed.

Amendment to HB 595-FN

Amend RSA 676:17-a, II as inserted by section 2 of the bill by deleting subparagraph (h) and relettering subparagraphs (i) — (l) to read as (h) — (k), respectively.

Amend RSA 676:17-a, III and IV as inserted by section 2 of the bill by replacing them with the following:

III. Defendants who are issued a summons and local land use citation and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the civil penalty, as set forth in the citation, to the clerk of the court prior to the arraignment date, or shall appear in court on the date of arraignment.

IV. Civil penalties collected by the district court under this section shall be remitted to the municipality issuing the citation. Whenever a defendant (a) does not enter a plea by mail prior to the arraignment day or does not appear personally or by counsel on or before that date or move for a continuance; or (b) otherwise fails to appear for a scheduled court appearance in connection with a summons for any offense, the defendant shall be defaulted and the court shall determine what the civil penalty would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the civil penalty. Such fee shall be the same as the administrative processing fee under RSA 502-A:19-b, and shall be retained by the court for the benefit of the state.

Amendment Adopted.

Ordered To Third Reading.

HB 696-FN, an act relative to penalties for the sale and distribution of tobacco products to minors. Judiciary committee. Ought To Pass With Amendment. Senator Colantuono for the Minority. Inexpedient To Legislate. Senator Nelson for the Majority.

SENATOR COLANTUONO: This bill came in from the House as an attempt to increase the fines for those persons who sell cigarettes to minors. Presently, if you sell cigarettes to minors the only penalty is a \$25 fine. This was thought to be so low, and insignificant, that there really is never any chance for a prosecution, because no one wants to bother. And it's no disincentive at all from the stores to break the law by selling cigarettes to minors. The original bill required a fine of \$250, a minimum fine of \$250, and a subsequent offense, you would lose your license to sell cigarettes for three to six weeks. We felt that that was a little too severe, so that the minority amendment is on page 42 of the calendar, if you care to look at. The minority amendment says that on a first offense the defendant

would be guilty of a violation which under New Hampshire law can be punishable by a fine of anything from \$0 to \$500, but it would be in the discretion of a court. Obviously, a bigger store could be fined more and a smaller store could be fined less. A second offense within one year, the fine would be a minimum of \$250 and the third offense within the same year, would be subject to a license suspension for a period of one week to three weeks. The committee minority which happens to be myself, believes that this is a much more appropriate way to put some teeth into this law if we want to get serious about minors buying and smoking cigarettes. I hope that you will support the committee minority.

SENATOR HEATH: I rise in opposition to the minority report. There is nothing wrong with the intent. I don't think that, even though I smoke, I don't think that it is inappropriate to ban minors from smoking and I support enforcement of that. The problem is this: With the minority amendment, we have vending machines all over the state and nobody ever arrests a vendor for selling cigarettes to a vending machine, so if you punish the grocer, what you do is you drive the sales to the vending machines. Children who are going to smoke are probably going to get some change and go to a vending machine and that person gets off and the grocer who doesn't take an ID on a pack of cigarettes, gets a heavy penalty. I don't think that that is a fair way to do it. If you want to ban sales through vending machines, or hold the vendor responsible for who uses the vending machines, then that is fair, that is the way to do it. But there is no fairness in punishing one individual doing the same kind of business and the other knowingly taking advantage and doing the business that will accrue to him because of the heavier penalty.

SENATOR COLANTUONO: Senator Heath, I am sure that you are aware that the present law treats the vendor of a vending machine exactly the same as the store. They are both equally responsible and liable for this. Are you aware of that?

SENATOR HEATH: I am aware of it, and I have never in all the time that that law has been on the book, heard of a prosecution of a vendor.

SENATOR COLANTUONO: Would you agree that it is more likely that you will have a prosecution of a vendor or a vending machine if these increased penalties are passed to make it worth the while of the police to have a prosecution, and maybe then we will get some parity?

SENATOR HEATH: I'm not convinced that moving penalties up makes the police pay anymore attention. They don't get a piece of

the action, and I don't think that they would pay anymore attention. I don't think that they would think that that was a serious crime.

SENATOR COHEN: I rise in support of the minority amendment.
TAPE INAUDIBLE.

SENATOR HEATH: Senator Cohen, would you have been in violation of this law at one point in your life?

SENATOR COHEN: No.

SENATOR NELSON: Senator Cohen, how do you suggest that we enforce this law to keep these young people away from the cigarettes which is already a law that they are not supposed to smoke anyway? Let me rephrase the question, Mr. President. Thank you. It is presently against the law for these minors to purchase cigarettes. My question specifically is this, how do you suggest that retail grocers and others keep, not related to the teenager, how do they prevent teenagers from buying these cigarettes, what should they do to prevent them and purchase them?

SENATOR COHEN: Senator Nelson, my understanding of the amendment is that it would be to increase the fines and that would give more of an incentive for the retailer not to sell the cigarettes to them.

SENATOR NELSON: Senator Cohen, you think that an increased amount of money to the grocer or the person who is licensed, right? That is the way we will prevent kids from smoking and purchasing these cigarettes?

SENATOR COHEN: Not enough itself, but I think that it would certainly help to discourage the sales.

SENATOR HEATH: Senator Colantuono, does your minority amendment enhance the penalty for the child who buys the cigarettes?

SENATOR COLANTUONO: No, it doesn't.

SENATOR HEATH: Is there a penalty in law for them to purchase?

SENATOR COLANTUONO: I believe there is, but I am not sure about that.

SENATOR HEATH: Shouldn't this bill be held and an enhanced penalty be put on the buyer?

SENATOR COLANTUONO: Well, we can take care of that next year if it's not already in law, I'm not sure what the law is. Do you want to take a recess and we can check?

Amendment to HB 696-FN

Amend the bill by replacing all after the enacting clause with the following:

1 License Suspension for Sale and Distribution of Tobacco Products to Minors. Amend RSA 78:12-b, III to read as follows:

III. The commissioner of revenue administration shall furnish, upon issuing or renewing a retailer's license under RSA 78:2, a sign reading "State law prohibits the sale of tobacco products to persons under age 18. Warning: Violators of this provision may be subject to fine **and license suspension.**" The sign shall be posted at any location where tobacco products are sold or distributed. The commissioner of revenue administration shall adopt rules under RSA 541-A relative to placement of these warning signs in areas where tobacco products are sold or distributed.

2 Increasing Penalties for Sale and Distribution of Tobacco Products to Minors. RSA 78:12-b, IV is repealed and reenacted to read as follows:

IV. Any person who violates paragraph II or III of this section shall be guilty of a violation and, notwithstanding title LXII, shall for a second offense within one year be fined not less than \$250 and for a third offense within one year be subject to license suspension for a period of not less than one week and not more than 3 weeks. No person 12 years of age or younger shall be prosecuted under this section.

3 Effective Date. This act shall take effect January 1, 1992.

AMENDED ANALYSIS

This bill increases the fine for the offenses of failure to post a sign stating that tobacco products shall not be sold to minors and for the sale to minors or purchase by minors of tobacco products. The bill also allows for suspension of a retailer's license in certain cases.

Inexpedient To Legislate For The Majority. Senator Nelson for the majority.

SENATOR NELSON: I would just say this: The reason that I did not support this legislation, in my opinion this is another one of those pieces of legislation that shifts responsibility. A person breaks the law, a young person. The law is that they shouldn't smoke. They come in and purchase the cigarettes, and we are now going to penalize the owner of the store for the young person breaking the law. I think kids shouldn't smoke. And I don't think that anyone should smoke. I'm not for smoking, I'm against smoking, but if people are going to smoke, let them smoke, Roger. But my sense is this: Is shifting the responsibility from the individual and the family, the

parents of this kid are no longer responsible for this young person? It is now the grocers problem? This bill increases fines for failure to post a sign stating that tobacco, this increases fines, this bill increases fines for failure to post a sign stating that tobacco products should not be sold to minors and for the sale and distribution of tobacco products to minors. This allows for suspension of the retailers license for second and subsequent offenses. Raising the fine will not make it more enforceable. To spend money on a problem that doesn't exist or won't solve the problem of preventing minors from smoking, it makes no sense. The committee's report is Inexpedient to Legislate.

Question is on the amendment as offered by the Minority.

Division vote requested.

Yeas: 7

Nays: 12

Committee Amendment Fails.

Senator Nelson moved to Have HB 696-FN, Inexpedient To Legislate.

HB 696-FN, IS INEXPEDIENT TO LEGISLATE.

HB 286-FN, an act relative to the operation of powerboats on Long Pond in the town of Northwood. Wildlife & Recreation committee. Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: This piece of legislation is an attempt to resolve a long feud on that pond and so there is something in it for both sides. It presently leaves the situation that is on the pond as is, but if public access is granted to the public and warranted to the public a year after that, it controls the restrictions on the horsepower limit and the type of boats will go into effect. I would urge you to go along with the committee amendment.

SENATOR HUMPHREY: Senator Heath, what changes in the existing law does this make?

SENATOR HEATH: It leaves any restrictions on the pond, it repeals any restrictions on the pond. There were some that were due to go into effect and the restrictions were a very sort of bias set of restrictions. It allowed three or four people who already own boats, who keep their boats, but nobody else could put one on. There was a great deal of controversy in feeling that they didn't get a fair hearing when those went on and they wanted to move the restrictions ahead. There was sort of a feud going on and I asked them to come back with a proposition that they could both agree on, one side wouldn't talk to the other. One side attempted to get an agreement.

And so we felt by giving them an incentive to work towards . . . The side that particularly wanted the restrictions has an ideal site for public access that is in fact public access to a whole bunch of lots there, and we felt that if they wanted to contribute to public access then if the public was allowed on there, the additional impact on the pond would warrant the restrictions and that this would be a win-win situation, and perhaps get these two parties at long last off the dime and agreeing with each other.

SENATOR HUMPHREY: Were the selectmen at the town of Northwood asked for comments on this proposal?

SENATOR HEATH: I don't believe they were asked, but we don't, as a normal activity as a committee, go out and solicit testimony, but certainly this bill went through the House and the Senate, and every opportunity was availed for any member of the public to have input. And I suspect that they have made input, I just don't remember. This happened quite a while ago and we waited a long time to see if we could get the two sides to come to an agreement and they did.

Amendment to HB 286-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Long Pond Restrictions. RSA 270:106 is repealed and reenacted to read as follows:

270:106 Long Pond.

I. No person shall use or operate any powerboat equipped with any type of power motor in excess of 10 horsepower upon Long Pond in the town of Northwood.

II. No person shall use or operate jet skis on Long Pond in the town of Northwood.

III. Any person who violates this section shall be guilty of a violation.

IV. The provisions of this section shall not take effect until one year after the date on which the state is granted deeded public access to Long Pond in the town of Northwood.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the use of powerboats equipped with a motor in excess of 10 horsepower and the use of jet skis on Long Pond in the town of Northwood. The provisions of this bill shall not take effect unless the state is granted deeded public access to Long Pond.

Amendment Adopted.

Ordered To Third Reading.

HB 583-FN, an act relative to carrying pistols and revolvers. Wildlife & Recreation committee. Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This pistol packing mama here has taken bills to do with compost and pistols today besides the major issue of the day. This bill would double the amount of the license for carrying a concealed weapon and change the number of years that people could carry that weapon from two to four. We did take out of the bill the amendment that would allow someone after three renewals of license to have a lifetime concealed pistol license. We felt that that wasn't a good idea, but the cities and towns are happy to have this every four years, and so we went along with the fact that people very often times, forget to renew their pistol permits every two years and that four years was probably adequate.

Amendment to HB 583-FN

Amend RSA 159:6 as inserted by section 1 of the bill by replacing it with the following:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a nonresident, shall issue a license to such applicant authorizing him to carry a loaded pistol or revolver in this state for not more than [2] 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. Hunting or target shooting shall be considered a proper purpose. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [2] 4 years. [The license] **All licenses** shall be issued within 14 days after application therefore, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy thereof kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be [\$4] \$8, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be [\$10] \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed

to prepare forms for the licenses required under this chapter **and forms for the application for such licenses** and to supply the same to officials of the cities and towns authorized to issue said licenses. **No other forms shall be used by officials of cities and towns.** The cost of said forms shall be paid out of the fees received from nonresident licenses.

AMENDED ANALYSIS

This bill increases the term of licenses granted to residents to carry loaded pistols and revolvers from 2 years to 4 years. The bill raises resident fees for such licenses from \$4 to \$8 and nonresident fees for such licenses from \$10 to \$20. The bill requires town and city officials to use forms for license applications and licenses provided by the director of the division of state police.

Senator Hollingworth moved to Have HB 583-FN, Laid On The Table.

A Division vote requested.

Yeas: 13

Nays: 7

HB 583-FN, IS LAID ON THE TABLE.

HJR 4, an act relative to providing access to Flat Mountain Pond for members of the public. Wildlife & Recreation committee. Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: This is an ideal situation as far as I am concerned. We have had an ongoing struggle in Sandwich and actually a portion of it is over in Senator King's district, Flat Mountain Pond. Between the needs and the desires of handicapped individuals to get access to that pond, and the people who felt that improved highways up there and four wheel drive vehicles would damage the environmental attractiveness of that area. And late yesterday, I believe it was, or the day before, we finally came across a resolution that everybody seemed very enthusiastic about. It limits access. It asks the forest service to limit access only to handicaps and only four vehicles a day permitted. Not to allow the full four wheel drive vehicles, but the little ATV's and I think that it is a Resolution that will help New Hampshire. It will help the handicapped in New Hampshire and the visitors to New Hampshire, and certainly preserve the environment of that beautiful area that I invite all of you to visit. There are three trails that stem out of the Sandwich, Tamworth area, and it is a beautiful place to be. This will hopefully lead to allowing the handicapped to visit this, also in a way that will not damage the environment. I would urge your support.

SENATOR DISNARD: Would you believe I hope that the forest service will check and make sure that the plates have handicapped on them and are not people parking there that don't have handicapped plates?

SENATOR HEATH: The forest service from this, mirrors the original forest service proposal which had perhaps a few more restrictions, and they had a method of leaving a key with a person who would hold a permit, give them the permit and return the key and so on. I think it could be policed very nicely. There are gates and bars at the trail heads.

SENATOR MCLANE: I wanted to speak briefly, Mr. President. I wanted to congratulate the Chairman on what was a long and very, very difficult and tense situation. And we sent Senator Russman up to Flat Mountain Pond and he looked it over and told us what vehicles could go up there, and I think that it is a good solution to a very difficult problem.

Amendment to HJR 4

Amend the resolution by inserting after the fifth paragraph after the title the following new paragraph:

Whereas, the Americans with Disabilities Act of 1990, P.L. 101-336, section 2(b) states:

It is the purpose of this Act:

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities; and

Amend the resolution by replacing all after the resolving clause with the following:

That Flat Mountain Pond is a great pond and as such is a state-owned public water held in trust by the state for public use; and

That all members of the public have a right of access to Flat Mountain Pond; and

That the United States Forest Service, in keeping with appropriate federal laws and regulations, set forth such access as shall provide adequate access to and use of the waters of Flat Mountain Pond

for recreational purposes as authorized by RSA 271:20 and RSA 271:20-a and that such access shall be limited to all terrain vehicle use by persons with disabilities only and shall not be construed as permitting all terrain vehicle use for the general public; and

That the United States Forest Service ad hoc advisory committee on public access is urged to address this resolution and public access for persons with disabilities to Flat Mountain Pond; and

That copies of this resolution, signed by the president of the senate and speaker of the house, be forwarded by them to the President of the United States, members of the New Hampshire congressional delegation, and the United States Forest Service.

Amendment Adopted.

Ordered To Third Reading.

SUSPENSION OF THE RULES

Senator Roberge moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 625, be put on Second Reading at the present time.

Adopted.

HB 625, relative to hearings on tax abatements for property taxes. Internal Affairs committee. Inexpedient To Legislate. Senator Roberge for the committee.

SENATOR ROBERGE: HB 625 has been covered in SB 180 so it is no longer needed.

Committee Report Adopted.

SUSPENSION OF THE RULES

Senator Roberge moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 652, be put on Second Reading at the present time.

Adopted.

HB 652-FN, relative to the duties of the board of tax and land appeals and the department of revenue administration. Internal Affairs. Ought to Pass. Senator Roberge for the committee.

SENATOR ROBERGE: HB 652-FN is a housekeeping bill which is requested by the Board of Land and Tax Appeal and the Department of Revenue Administration. There will not be any cost incurred by the passage of this bill. One, it requires tax collectors to notify the Board of Land and Tax Appeals, rather than the Department of Revenue Administration of the date on which the last tax bill was

mailed by that taxing district and clarifies that such notice is the date that the Board has determined to be the last date of mailing of the final tax bill. Two, it requires religious educational and charitable organizations to file applications for tax exemptions with the municipality in which they are located, rather than with the Board of Land and Tax Appeals. Three, it increases the filing fee from \$10 to \$40 for anyone who files a written complaint against another taxpayers' assessment. The filing fee for all other appeals to the Board is \$40. The fee should be the same for all.

Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Fraser moved to Have HB 509, an act clarifying the definition of public benefit relative to permitting solid waste facilities, Taken Off The Table.

Adopted.

HB 509, an act clarifying the definition of public benefit relative to permitting solid waste facilities. Environment committee. Ought To Pass With Amendment. Senator Fraser for the committee.

SENATOR FRASER: First of all, Mr. President, I want to complement Senator Russman for the superb job that he did on this bill, HB 509. And number two, any affairs or any concerns that I had about a possible amendment have gone by the boards and I urge passage in this present form and thank you very much.

Amendment to HB 509

Amend the bill by replacing section 3 with the following:

3 New Section; Public Benefit Requirements. Amend RSA 149-M by inserting after section 10-b the following new section:

149-M:10-c Public Benefit Requirement.

I. The general court finds and declares as follows:

(a) It is responsible to provide for the solid waste management needs of the state and its citizens.

(b) In order to provide for these needs, it must ensure that adequate capacity exists within the state to accommodate the solid waste generated within the borders of the state.

(c) Facilities necessary to meet state solid waste capacity needs must be designed and operated in a manner which will protect the public health and the state's natural environment.

(d) An integrated system of solid waste management requires a variety of different types of facilities designed to accommodate the entire solid waste stream, including materials which can be recycled,

recovered or reused, materials which can be composted, and residual materials which must be disposed of permanently.

(e) The enactment of statutes to address the needs identified in this section is an exercise of the police power granted to the general court under part II, article 5 of the New Hampshire Constitution.

II. The general court declares that it is the purpose of this section to ensure benefit to the citizens of New Hampshire by providing for solid waste management options which will meet the capacity needs of the state while minimizing adverse environmental, public health and long-term economic impacts.

III. The division shall determine whether a proposed solid waste facility provides a substantial public benefit based upon the following criteria:

(a) The short and long-term need for a solid waste facility of the proposed type, size and location to provide capacity to accommodate solid waste generated within the borders of New Hampshire, which capacity need shall be identified as provided in paragraph V.

(b) The ability of the proposed facility to assist the state achieving the implementation of the hierarchy and goals under RSA 149-M:1-a.

(c) The ability of the proposed facility to assist in achieving the goals of the state solid waste management plan, and one or more solid waste management plans submitted to and approved by the division under RSA 149-M:18.

IV. The division shall also consider as part of its public benefit determination:

(a) The concerns of the citizens and governing bodies of the host municipality, county and district and other affected persons. For any proposed solid waste facility designed to accommodate in excess of 30 tons of solid waste per day, the division shall hold at least one public hearing in the host municipality, or in the case of an unincorporated town or unorganized place in the host county, in order to take testimony to identify those concerns. This public hearing requirement shall not apply to a proposed solid waste facility designed exclusively to transfer solid waste.

(b) The economic viability of the proposed facility, including but not limited to its ability to secure financing.

V. In order to determine the state's solid waste capacity need, the division shall:

(a) Project, as necessary, the amount of solid waste which will be generated within the borders of New Hampshire for a 20-year planning period. In making these projections the division shall assume that all unlined landfill capacity within the state in existence upon the effective date of this section will cease to be available to receive solid waste after January 1, 1995.

(b) Identify the types of solid waste which can be managed according to each of the methods listed under RSA 149-M:1-a, II and determine which such types will be received by the proposed facility.

(c) Identify, according to type of solid waste received, all permitted facilities operating in the state on the date a determination is made under this section.

(d) Identify any shortfall in the capacity of existing facilities to accommodate the type of solid waste to be received at the proposed facility for 20 years from the date a determination is made under this section. If such a shortfall is identified, a capacity need for the proposed type of facility shall be deemed to exist to the extent that the proposed facility satisfies that need.

VI. All applicants under this chapter shall provide any information requested by the division. If an applicant declares that any information requested under this section should be considered exempt under RSA 91-A:5, IV, the attorney general shall determine the reasonableness of such declaration and, if he agrees, shall direct the division to treat it as confidential information which shall be considered exempt under RSA 91-A:5, IV.

VII. Any proposed solid waste facility to be owned and controlled by a solid waste district, or a member municipality on behalf of its solid waste district, shall be deemed to fulfill the requirements of paragraph III provided that it is built within the district and shall serve only the capacity needs of that district. Notwithstanding the provisions of this paragraph, permit applicants which rely on this paragraph to fulfill the public benefit requirement shall address in their application the consideration given to the provisions of RSA 149-M:1-a as concerns the appropriate facility to meet the needs of the district. Any permit issued for a facility which fulfills the public benefit requirement by relying on this paragraph shall state that the facility is limited to receiving solid waste generated within that district.

VIII. Each applicant for a solid waste permit under this chapter shall have the burden of demonstrating that a proposed solid waste facility provides a public benefit by showing how the proposed facility satisfies the criteria listed under paragraph III. Such demonstration shall be included as part of each application for a solid waste permit.

IX. If the division determines that an applicant has failed to demonstrate that it satisfies the criteria listed under paragraph III, it shall notify the applicant in writing that its application has been denied, and provide a written explanation of the reasons for that determination.

X. If the division determines that an applicant has demonstrated that it satisfies the criteria listed under paragraph III, it shall state that determination in any permit issued.

XI. Facilities permitted under this chapter shall be operated so as to provide a substantial public benefit consistent with the information submitted as part of the application concerning how the facility accommodates New Hampshire capacity needs. If a permittee cannot demonstrate consistency with information submitted in its permit application and where it no longer meets needs identified in the state solid waste management plan, and one or more solid waste management plans submitted to and approved by the division under RSA 149-M:18 due to circumstances beyond its control, as determined by the commissioner of environmental services and the attorney general, the department shall not enforce this paragraph based solely upon such inconsistency.

AMENDED ANALYSIS

This bill enhances the standard for substantial public benefit which a solid waste facility must demonstrate to the division of waste management of the department of environmental services when applying for a permit to operate the facility. The bill places the burden on the applicant to demonstrate a public benefit and requires a public hearing relative to the pending facility application.

Amendment Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Russman moved to Have CACR 7, an act relating to the incompatibility of holding a state office and being called up for temporary military active duty, Taken Off The Table.

Adopted.

CACR 7, an act relating to the incompatibility of holding a state office and being called up for temporary military active duty. Internal Affairs committee. Ought To Pass. Senator Russman for the committee.

SENATOR RUSSMAN: Yes, the problem with the language now as you know, in the bill, it talks about people in the military. That no person in active military service shall at the same time hold or have a seat in the Senate or the House of Representatives or Council. What this does is it adds language: except those members of the Military Reserve or the National Guard Unit, occasionally called

upon to serve in an emergency. So it clarifies it a little more readily, so that we know what can happen and it gives some flexibility in terms that we would urge your passage of the Resolution here.

SENATOR HUMPHREY: Mr. President, we are revisiting this issue, but it hasn't lost any of its importance while it has been laying on the table for some weeks. This is a proposed amendment to our state Constitution. The effective of this amendment would be to deprive Representative districts, and Senate districts, and Executive Council districts, and even the state of the persons of Representatives, Senators, and Councilors and the Governor, under certain circumstances. Now I understand the patriotic motivations and the impetus behind this proposal, but I think it's ill-advised to disenfranchise for months on end, hundreds if not thousands of people. If this becomes part of the Constitution, and if an Executive Councilor is called up, for example, 20 percent of the state is thereby disenfranchised. And as long as that person was active in Military service, however temporary it might be, or however indefinite it might be, that entire Executive district, 20 percent of the state is disenfranchised. The point was made the last time that we debated this, that members of the National Guard and the Reserve are usually called up for brief periods. Well, 4 or 5 months are enough to encompass the entire legislative session. I mean this is patriotism carried to the point of nonsense. It is not patriotic to disenfranchise citizens to give a well deserved pat on the back to members of the Reserve and the National Guard. And I hope that Senators will consider this soberly, and will reject the proposed amendment to the Constitution. That is to say, will vote against this Resolution, and against sending this proposal out for, and putting it on the ballot in 1992.

SENATOR W. KING: I rise to join with my esteemed colleague from Chichester to say that this is patriotism run amuck that we would indeed disenfranchise whole groups of people. I think that all of us, knowing what happened here and in other states when Representatives were called up in the National Guard to go to the Persian Gulf, we felt badly that some of them were going to have to be in a position of resigning from their seats and this bill was well intended, but it actually in affect, will cause more problems than it will solve in the long run for the people in the state of New Hampshire.

SENATOR PRESSLY: I share many of the concerns that have been expressed here today and I guess what frustrates me, is I think that there is an avenue to solve this that has not been addressed in this bill. And that is, that each one of us has filled out a form designating a replacement and I think one, two, and three, in time of an emergency. I'm rather surprised in that being the case, that that whole

process is not implemented so that the person can respond to the emergency and that the number one person on their list too fill in, an emergency to do the job until they return. And it seems to me that that is easily solved and could be done. I am rather curious why it is not. May I ask a question of the sponsors? Senator Russman, did you consider that in the solution to our question?

SENATOR RUSSMAN: I did. But you have to keep in mind that this is for a Constitutional amendment. So the people who elected us are going to get an opportunity to vote on whether they want to do this or not. We are not going to decide that this is a matter of policy. We are just deciding to give this to the people and an opportunity if they choose to vote this in. Then they would change the Constitution in that capacity. All we are doing, is saying to the people of New Hampshire is: this is one way to do it, if you want to be patriotic and let those people go and do it and still keep their seats, then you'll have the chance to vote that by a Constitutional amendment.

SENATOR PRESSLY: Well my question is this, I think that the problem is that we just experienced the situation where people have legitimately been called to an emergency. And I think the problem is that if this could happen again, and you could render a body very helpless if particular people or many were called up. And I'm wondering, have you tried to solve it through the procedure, the emergency procedures that we currently have in place where the elected official does designate the individual in an emergency to fill in for them?

SENATOR RUSSMAN: You could do that, but the issue is whether or not you want to give the people of this state the opportunity to vote on this. I'm saying, why not just let the people in the state of New Hampshire have that opportunity and let them make the decision. It's going to require a 2/3 majority I believe, to change the Constitution. And so it is something that if you don't want them to vote on it, then you ought to vote no. But if you think that you want to give them the chance to make that policy decision, then you ought to support it. It's up to the people of the state what they want to do.

SENATOR PRESSLY: I appreciate your words and your language of wanting the people to make the decision and I usually agree, but what I'm wondering is, is that the only way to solve the problem? The problem being, that there is an occasion where a member is called into emergency active duty. Does the current law that we have allow for one of their designated emergency replacements to fill in for them until they return? Does that currently exist and is it applicable?

SENATOR RUSSMAN: No, only in an extreme emergency. Other than that it doesn't cover it because the Constitutional aspects of it are clear. That no person in the active military service shall at the same time, hold these offices. So if they are in the active military and they are called up, essentially the way the Constitution is, thereof. If we, when it comes on a ballot before the people of the state, and we choose to let them do this, they will have to make that decision, whether or not they want to make some exceptions. On an occasional, it says the . . . again the key language except those members of the military reserve or National Guard Unit. Now this is not the regular Army, it is the Military Reserve or National Guard Unit occasionally called upon to serve in an emergency. So hopefully, it would consider the type of thing that we just went through like Desert Storm, and that is the purpose of it. Other than that, outside of extreme emergency, there is really no other way to deal with it under our Constitution.

SENATOR BASS: Senator Pressly, would you believe, that the statute that you refer to allows elected officials to designate successors in cases of incapacity or calamity where, for example we go to war and a bomb falls on the State House and blows it flat and there is no government left in New Hampshire. And it doesn't deal at all in the issue of being called to active service, no matter what kind of emergency it is. It specifically doesn't deal with that. Therefore, and in fact, if you amended that statute, it might be unconstitutional.

SENATOR DISNARD: I believe the present law states that if an employee is called to active duty in an emergency for a short period of time, that he or she has that job held for them. Why not do the same thing for a legislator who is called to active duty?

SENATOR DELAHUNTY: In case of an individual, and there are individuals that get called up at the end of Desert Storm that perhaps served for a 30 day period and then returned. And it's wrong to prohibit them from coming back for serving that short period of time away from their job.

SENATOR PRESSLY: I hear what you're saying and I'm really basically supporting what you are saying. I think that these people should have the job held for them. My concern is, that there is nothing in here that allows for a replacement to fill the job while they are gone. And so I am with you. But I don't think that you have it worded correctly to solve the problem. It seems to me that this needs some more work. I support the fact that their jobs be held for them, but wording it the way you have, you leave the job vacant. Now in the future, if you want to play what if, if you could have say in the Senate, a body of 24 and let us say that 10 are called up, that

you have no replacement held for them, and so I am extremely concerned about this and would like the authors to address why they have not allowed for a replacement while you are holding a job for these people?

SENATOR RUSSMAN: So that you will be aware with perhaps a larger picture here. Supposedly the next bill that we are going to be taking off the table, is 116 that actually sets forth those criterias that we are talking about. And I, with the indulgence of the Chair, I would just go over those, if I may, even though it's not off the table. It's a floor amendment for 116 that is going to actually set forth that. And these are areas where people would have to leave office, okay, specifically. And it says that as a member of the General Court, and a member of the Military Reserve, or National Guard Unit, and these are the key ones: (A) Such unit was called to serve in an emergency, and service in such unit causes a member to be unable to perform his legislature duties for longer than 180 consecutive days and the selectmen of any town or ward in the district from which the member is elected request of the Governor and Council, that the office be declared vacant. So if those three things happen, it would be declared vacant. So if they are going to be gone for more than 180 days and the selectmen in the town or the alderman or what have you, or the wards, decide to request it, that is what would happen. So that is the next bill that will come off the table. I think that it would perhaps fit those things that you are talking about. So one, is to change the Constitution and give the people the chance to do that, and the next would be whether or not we want to actually make those things into law in terms of specific places where they would have to leave office.

PRESIDENT DUPONT: Article 5-A, refers to continuity of state and local government operations and periods of emergency resulting from disasters caused by enemy attack. So when you fill that form out as we understand it, if the United States is attacked then there is an order of succession.

SENATOR HUMPHREY: Mr. President, I don't know what comfort we are suppose to take in the knowledge that we will have an opportunity in a moment to bound this problem to the extent that someone may be absent from his office for six-months without forfeiting it. Six-months more encompasses an entire legislative session. Are we really going to disenfranchise thousands, if not tens of thousands, of people as a gesture of patriotism? And as to the notion that we are here simply as a conduit, or without exercising any judgment on our own part, to pass along proposed amendments to the electors, flies in the face I think of the concept of this office which

most of us have. We do have a responsibility to pass some judgment. We don't just act as a conduit for any old thing that comes along and say let's let the people decide. It's a pretty solemn thing when you're proposing to amend the Constitution.

SENATOR PRESSLY: I feel that I must indulge you a little bit further and speak to this, because I am going to be voting against this and I don't want to do that because I am a parent of a person who is serving in the Armed Forces. I am fully supportive of the action and people who serve in the Military Reserve, but the way that this is drafted, it's not going to do what you are telling me you want it to do. I think it's appropriate that people who are in the Military Reserve and the National Guard should run for office. I do believe that if they are called up when they are serving, that they should be allowed to respond. And I do believe that if the authors of this would take this back and re-draft it, they could provide for a replacement for them so that the job is not left unfulfilled, but without some way of filling this job appropriately in their absence, in a way where their constituents are represented. I am afraid that you are leaving your government uncovered while people are responding to their military call, doing their job. So I have to vote against this, unless the authors of this are willing to table again and re-draft it, so that these people can run for office, and can be called up to service. We have a mechanism to see that the constituents are served in their absence, and they can then return to the job and take over. But unless there is some mechanism to fulfill, to see that the governing body's job is covered, I cannot support this.

Recess.

Out of recess.

Senator Delahunty in the Chair.

SENATOR HUMPHREY: Senator Russman, I want to ask what is the real world practical problem that we are seeking to address by amending the Constitution? Am I correct that one member of the General Court is presently absent. Okay two, but only one of who was sworn in, is that not correct? And has anyone sought to enforce the Constitution against that member?

SENATOR RUSSMAN: I don't know the answer to your question.

SENATOR HUMPHREY: The answer is no. Why not let a sleeping dog lie. Why amend the Constitution when there is no real world before us.

PRESIDENT DUPONT: I applaud Senator Disnard for bringing up the issue of our National Guard members who leave their jobs and their families to defend this country and come back to a job. Senator

Humphrey is also right in saying that the provision of the Constitution has not been enforced. But for one that is worried about the Constitution, the fact that it has not been enforced is the reason why we need to do this today. I had the opportunity this week to speak to a young man who was called to active duty. He went over and served, and now came back to his hometown where he is a selectman. And he came back to his family and his job. I think, and I am not ashamed to stand here today and say I am a patriot, and I respect the flag. And I have nothing but the greatest of respect for any of those individuals that gave up their lives in this country to go overseas and fight a war for the defense of this country. And the fact of the matter is, is that the inconvenience that they found themselves in by going over there is not as great as what a few people will experience by not having somebody sitting in this body for a couple of months. So I urge this body to stand tall and pass this, and send a message to the people of this state that we respect those that serve this country.

SENATOR PRESSLY: Senator Dupont, in using the example that Senator Disnard used as far as the employer saving this job: Is it not a fact that if that job is a critical job, that the employer does fill that job in the absence of the patriotic person that goes off to represent their company, I mean represent their country? And that the job that they leave is not neglected, but is filled in that person's absence?

PRESIDENT DUPONT: Senator, in some cases that is probably true. But I'm sure in other cases his fellow or her fellow co-workers would pick up their share of the burden and fulfill it until that member came back.

SENATOR HUMPHREY: Senator Dupont, I only phrase this as a question, because I've already spoken twice, but is the Senator really suggesting that preserving the office of a politician for a few, is more important than assuring representation for the people of the districts represented by those absent members? I mean aren't we too close to this? Don't we overestimate our own importance? Surely the representation of the people is far, far, more important than preserving for a friend and a patriot, his office while he is absent. And during which time his absence disenfranchises thousands of people? Is that what the Senator is suggesting?

PRESIDENT DUPONT: Well if I could respond, because I think that it was directed at me. Senator, I would only add that if you don't have an army that is willing to fight for the rights of this country, and you don't have a government, and people don't have a government that they are allowed to be represented in.

SENATOR HUMPHREY: Do not the armed forces and God Bless them, serve to uphold our Constitution? Isn't that their primary function, aren't we getting things reversed?

PRESIDENT DUPONT: Senator, I don't believe so. I think this is an issue of respect for the Armed services. For the fact that we had an army that needed the help of our National Guard and our Reserves to help fight a war that I think that we all supported. And what we are doing here today, is respecting the rights of those individuals to come back and pick up where they left off. They are civilians that sacrificed for this country. And as I indicated prior when I spoke, that you have individuals who left their families, their jobs, and their home, and the comfort of all those things to go serve. Some of them very short periods of time. And if we are going to say to those individuals, if it is two weeks or if it's a month, that you can't hold office, that you can't have a job when you come back, I would hasten to add, that I believe that the people of the state will support this, because I think that they will respect the rights of those individuals. They will appreciate what those individuals do for them, and allow them to continue to serve them. And I would only add that by going over there they serve the people of New Hampshire. And what we are doing is taking away from them something that they had a choice in. They put their name on a ballot. They also joined the Reserves, but they didn't have a choice about whether they were going overseas, that was made for them by somebody else. So I would again urge this body to move forward on this.

SENATOR HUMPHREY (Rule #44): The Senator may well be right. This might well be adopted as an amendment to the Constitution because there is such a fulsome feeling of patriotism out there as always, but especially now. That doesn't negate what the concerns that this Senator and others have raised. I mean what this is all about, this institution of government, the legislature, the Executive Branches, which served the people, including the Armed Forces, is to preserve a way of life. It is to preserve a Constitutional Republic in which the people are sovereign, not the legislature, and not the Executive Branch, of which the military is a part, but the people. And the people deserve to be represented. That is a basic right. And to displace their representation in the name of patriotism, is to get things exactly reversed. And I urge Senators, not to yield to impulse of patriotism, but to yield to their logic. How are we going to deal with the absence for 6 months of an Executive Councilor or a state Senator? Look how many votes are decided by 12 to 12, or 13 to 11? One Senator being absent can make a very, very, big difference. And the people of that district are disenfranchised in important contests. I urge the Senate to reject this proposal.

Senator St. Jean moved the question.

Adopted.

A Roll Call was requested by Senator Humphrey.

SENATOR HUMPHREY (Rule #44): Well, Mr. President, for gods sake we are proposing to amend the Constitution, shouldn't we have a roll call vote?

Seconded by Senator W. King.

The following Senators voted yes: Oleson, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Bass, Nelson, Colantuono, McLane, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: W. King, Heath, Pressly, Podles, Humphrey.

Yeas: 18

Nays: 5

Senator Blaisdell excused from voting.

Adopted.

SUSPENSION OF THE RULES

Senator Dupont moved that we place CACR 7 on third reading and final passage at the present time.

A 3/5 Division vote is required.

Yeas: 15

Nays: 8

Ordered To Third Reading.

TAKEN OFF THE TABLE

PRESIDENT DUPONT: You have before you HB 116 which is a companion bill to the CACR 7 that we just passed. There is a floor amendment which I will be introducing and I will explain the contents of the bill when I get the opportunity to introduce the floor amendment.

Adopted.

Senator Dupont moved to Have HB 116, an act relative to a definition of active service in relation to Representatives and Senators, Taken Off The Table.

HB 116, an act relative to a definition of active service in relation to Representatives and Senators. Internal Affairs committee. Senator Dupont for the committee.

PRESIDENT DUPONT: You have before you 2876L and I would refer to you to 652:12, which presently defines when a vacancy occurs in the existing general provisions of the laws of the state of New Hampshire. What we are doing is adding a definition that allows for a member of the General Court of New Hampshire and the member of the Military Service or National Guard Unit. And basically what the amendment says, is if the seat is vacant for 6 months, for longer than 180 consecutive days, then the selectmen of any town or ward in the district from which the member is elected, request of the Governor and Council that a new election be held. One of the points that wasn't discussed, is that if you have a vacancy, and I know myself, Senator St. Jean, and there are probably several others, that have filled seats that have become vacant. There is a process that you have to go through obviously. There is some time involved. And in fact, that is another consideration that questions are raised about. But this I think clearly defines for us, what is a vacancy to include the allowance of someone to serve in Military Service and in the National Guard.

SENATOR W. KING: Having lost the last battle, I would say that at least this provides some definition and I am going to support it. But I also recognize that 180 days is a long time to be without your Representative. And for example the city of Laconia right now, if they were without Senator Fraser, would be powerless to fight the prison.

PRESIDENT DUPONT: Yes, I would just like to add that under this provision if someone who is called up for a year, the day after they are called up and it is confirmed that they are going to be out for a year, there can be a call for an election at that point in time. So it doesn't say that the person has to be out of office for 180 days. What it does is, if service is going to cause the member to be out for 180 days and then they can immediately and I assume with the concurrence of that individual, require that a new election be held.

SENATOR NELSON: Senator Dupont, would you believe that on B of this bill it says, and I wasn't clear on what you just said, because it says here for longer than 180 days. Does this mean that an individual could be out for 180 days, but if it was 181 days, then they would have to look into it?

PRESIDENT DUPONT: Yes, that is correct.

SENATOR NELSON: How did you arrive at 180 days?

PRESIDENT DUPONT: I believe, Senator, that there is existing federal law that merits this and that is why the 180 days.

SENATOR NELSON: Okay, thank you.

SENATOR HUMPHREY: Well, Mr. President, I am going to support this thing for the same reasons that Senator W. King has outlined. But let me just point out this as a practical matter: The usual period of call up is 6 months. This isn't going to have much effect practically speaking. I believe that the one member of the General Court who is now active on Military Service as a member of the Reserve or Guard is called up for 6 months. So this bill does nothing for his constituents. They are under similar circumstances in the future are disenfranchised.

Senator Dupont offered a floor amendment.

Floor Amendment to HB 116

Amend the title of the bill by replacing it with the following:

AN ACT

relative to vacancies in the New Hampshire general court.

Amend the bill by replacing all after the enacting clause with the following:

1 Vacancy Due to Certain Military Service. Amend RSA 652:12, V to read as follows:

V. Has his election voided by court decision or ballot law commission decision[.]; or

VI. Is a member of the general court of New Hampshire and a member of a military reserve or national guard unit; and

(a) Such unit was called to serve in an emergency; and

(b) Service in such unit causes the member to be unable to perform his legislative duties for longer than 180 consecutive days; and

(c) The selectmen of any town or ward in the district from which the member is elected request of the governor and council that the office be declared vacant.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides circumstances under which a vacancy in the general court may be declared when a general court member has been called to active military service in an emergency.

Floor Amendment Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Heath moved to have HB 517-FN, relative to watercraft safety, Taken Off The Table.

Adopted.

HB 517-FN, relative to watercraft safety. Ways & Means committee. Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This is a bill that we started to pass in the last session, yesterday, And decided that there was a problem with the amendment and that it had been brought over with the Department of Safety. We met with the Department of Safety and solved the problem, and perhaps it would be helpful if I did describe it. In the amendment that was first submitted by the Department of Safety it said: that no person could dock anymore on other property, a boat, knowing that he is not licensed or privileged to do so. We were afraid that that would mean that people could not tie up in front of vacant property and enjoy a swim or a walk in the woods any place on our lakes, and so we met with the Department of Safety and we went over the bill. And it is now very clear that it is tying up to docks or piers of another, knowing that he is not licensed or privileged to do so. And that when it came to commercial or construction vessels that the Department itself could make rules. Apparently, much of this problem came about from a commercial barge that often docked and tied up on other people's property on Winnepesaukee. And so the entire bill is at the request of the Division of Water Safety and the committee has worked on it and does support it.

Amendment to HB 517

Amend the title of the bill by replacing it with the following:

AN ACT

relative to watercraft safety and moorings.

Amend the bill by inserting after section 5 the following and re-numbering the original section 6 to read as 8:

6 New Section; Docking, Mooring Prohibited. Amend RSA 270 by inserting after section 64 the following new section:

270:64-a Docking, Mooring Prohibited.

I. No person shall dock, moor, make fast, or otherwise secure a vessel to real or other property of another, knowing that he is not licensed or privileged to do so. For the purposes of this section, other property shall include but shall not be limited to, docks, swim lines, moorings, swim rafts and other vessels.

II. No person shall moor, anchor or otherwise secure a commercial vessel within 150 feet of any private or public property without the consent of the owner or authorized agent of the owner of such property.

III. No person shall cause a vessel that he is operating or otherwise in control of, to remain fastened to any structure or other property in defiance of an order to move such vessel or have such vessel removed, which was personally communicated to him, whether verbally or in writing by the owner or authorized agent of the owner of the structure or other property.

IV. For the purpose of this section, the commissioner of safety or any peace officer with jurisdiction, may impound any vessel found to be in violation of this section or may order the removal and storage at a place of safekeeping of any such vessel. All reasonable charges of such impoundment, removal and storage shall be a lien against the boat.

7 New Paragraphs; Penalties. Amend RSA 270:72 by inserting after paragraph IV the following new paragraphs:

V. Any person who violates the provisions of RSA 270:64-a, I shall be, if a natural person, guilty of a violation, and if any other person, guilty of a misdemeanor.

VI. Any person who violates the provisions of RSA 270:64-a, II shall be, if a natural person, guilty of a misdemeanor and if any other person, guilty of a class B felony. Any person found to be guilty of violating the provisions of RSA 270:64-a, II shall be fined no less than \$500 for each violation, which shall not be suspended or reduced by the court.

VII. Any person who violates the provisions of RSA 270:64-a, III shall be, if a natural person, guilty of a misdemeanor and if any other person, guilty of a class B felony.

VIII. For the purposes of this section, every 24-hour period shall constitute a separate violation.

AMENDED ANALYSIS

This bill allows the commissioner of safety or one of his authorized agents, to examine any boat at a dealer, fiberglass shop, auction or any place where boats are repaired or restored, to check hull identification or serial numbers.

The bill also permits the commissioner to revoke the privilege to operate or register a boat.

This bill prohibits the sale of boats which are unequipped with muffling devices. The bill allows the commissioner to waive certain administrative penalties for violations of boating laws and rules. It establishes criminal penalties for certain boating offenses.

In addition, this bill prohibits any person from securing, in any manner, a vessel to any real or other property without the consent of the owner or his agent. The bill also establishes penalties for violations of the docking or mooring requirements.

Adopted.

Recess.

Out of recess.

SENATOR HEATH: I have before us 2898L which is the floor amendment. And the intent of this, and I guess I am asking that you trust me. If this doesn't replace the offending language and leave the language that we need, we can do it in enrolled bills and, Gloria, the Clerk, understands what we are after I think. If not, we can work with the enrolled bills. But in any case, this is the language that we wanted to change. This amendment will change the language that went too far in terms of tying up to docks and hopefully, leave the penalties in the other section. So I would urge your support. This has gone back to the committee for at least a discussion. We didn't take an official vote, because the bill was on the table, not re-referred. But I would ask for your trust and support on this.

SENATOR DISNARD: Would you believe, Senator, that I do trust you. But my question is, in an emergency, would there be some protection for youths? Like if a storm came up on a lake, to be able to go to a dock and tie up?

SENATOR HEATH: It is my understanding that there is already in the body of law, an emergency use of anything, and certainly I would hope that nobody would be arrested if that wasn't in the law, for doing something in an emergency.

Floor Amendment to HB 517

Amend the title of the bill by replacing it with the following:

AN ACT

relative to watercraft safety and moorings.

Amend the bill by inserting after section 5 the following and re-numbering the original section 6 to read as 7:

6 New Section; Docking, Mooring Prohibited. Amend RSA 270 by inserting after section 64 the following new section:

270:64-a Docking, Mooring Prohibited.

I. No person shall dock, moor, make fast, or otherwise secure a vessel to a dock or pier of another, knowing that he is not licensed or privileged to do so.

II. The commissioner of the department of safety may adopt rules pursuant to RSA 541-A relative to the operation, mooring or anchoring of commercial and construction vessels and barges.

III. No person shall cause a vessel that he is operating or otherwise in control of, to remain secured in violation of this section in defiance of an order to move such vessel or have such vessel removed, which was personally communicated to him, whether verbally or in writing by the owner or authorized agent of the owner of the structure or other property or by a peace officer.

IV. For the purpose of this section, the commissioner of safety or any peace officer with jurisdiction, may impound any vessel found to be in violation of this section or may order the removal and storage at a place of safekeeping of any such vessel. All reasonable charges of such impoundment, removal and storage shall be a lien against the boat.

V. Any person who violates the provisions of this section or any rules adopted under this section shall be guilty of a violation for a first offense and misdemeanor for any subsequent offense.

AMENDED ANALYSIS

This bill allows the commissioner of safety or one of his authorized agents, to examine any boat at a dealer, fiberglass shop, auction or any place where boats are repaired or restored, to check hull identification or serial numbers.

The bill also permits the commissioner to revoke the privilege to operate or register a boat.

This bill prohibits the sale of boats which are unequipped with muffling devices. The bill allows the commissioner to waive certain administrative penalties for violations of boating laws and rules. It establishes criminal penalties for certain boating offenses.

In addition, this bill prohibits any person from securing, in any manner, a vessel to a dock or pier without the consent of the owner or his agent. The bill also establishes penalties for violations of the docking or mooring requirements.

Floor Amendment Adopted.

SENATOR COLANTUONO: Yes, when the bill first came up, I noticed in paragraph one, that we are giving statutory authority to the Commissioner to the Department of Safety or his agents to go into boat dealer shops and examine boats and so forth for law enforcement purposes. In my opinion that is a clear violation of the Constitution. And it amounts to a warrantless search. And it will be struck down as soon as it is challenged. So I would urge my colleagues to not pass the bill unless it is amended to take that out.

SENATOR MCLANE: We were aware of this. Doug Patch has given us the Supreme Court decision which says that if it is on the premises and there is statutory authority, that an officer is able to go into the boat yard or whatever and look at the vehicle number on the outside of the vehicle. They are apparently on old cars and old boats and they would be able to determine if it was stolen. The marine dealers were very much in favor of that section of the bill. And I believe that it is the thought of the Department of Safety that it is constitutional.

SENATOR HEATH: I would like to say a couple of things about that question. I think I share a few of Tom's concerns there; however, if that section is struck down, it leaves the rest of the body of law intact, that's a tradition in New Hampshire court cases. Secondly, if this is going to a Committee of Conference which it very well may, because it has been amended in this body, I think that if anybody could bring some definite proof to one side or the other of that question, that the Committee of Conference would be more than willing to address that, because it is a nagging question. There seems to be precedent already in the law that has never been challenged or successfully been challenged, and that is a parallel situation. So I guess I would lean slightly on the side that it is not considered a warrantless search, but that can be taken care of if definite language comes in to prove that it is.

SENATOR ST. JEAN: Senator McLane, I have a little fishing boat and it doesn't have a hull identification number on it. It is a boat that is 20 years old. How would this pending legislation affect a craft without a hull identification?

SENATOR MCLANE: My assumption is that it wouldn't at all and you just better not get it stolen.

SENATOR NELSON: Senator St. Jean, I was curious on the first paragraph of the bill on page one, roman numeral VI, it makes reference to the Commissioner and his agents searching at an auction, authorized to examine at an auction. I was just curious if you might comment on the usual searches and things at auctions and how this might fit in?

SENATOR ST. JEAN: We usually get the products of searches that went on in cars and boats, and we end up auctioning them off, Senator. But I have never encountered any auctions whereby either DEA agents or local police people have come by and actually looked at anything that I have sold in recent times.

SENATOR NELSON: I don't want to put you on the spot, Senator St. Jean, I don't mean to have any intentions of doing that, but what

do you think of them, the Commissioner coming in without a warrant and searching the auction, and walking around there?

SENATOR ST. JEAN: I would feel somewhat uncomfortable for Mr. Patch or anyone else to come into an auction while the auction is ongoing and disrupting or disturbing a sale.

SENATOR NELSON: I just wanted to rise in support of Senator Colantuono's remarks and I thought that the whole situation was less government, not more. And I don't understand why we are creating a . . . even though the Senator himself stood up and said he doesn't like some of it, we are now giving the Commissioner of Safety the authority to go in and do something, because there are no other administrative ways to solve a problem. I think that we have to look at the rights of the individuals here. Thank you.

Senator Heath moved to have HB 517, Laid On The Table.

Adopted.

HB 517, IS LAID ON THE TABLE.

TAKEN OFF THE TABLE

Senator Bass moved to Have HB 147 relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates, Taken Off The Table.

Adopted.

HB 147, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates. Public Affairs committee. Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: Mr. President, as you may recall this issue was discussed at some length the other day, and there was some considerable amount of debate which was raised by my colleague from Senate district #17 which has turned out to be the case with this Senator. Afterwards he came to me and he said "let's work it out". I want to commend him for that willingness to work with me. And I think that we have come up with language that is acceptable to both of us and probably better than the original language; only goes to show how well this process can work in the end. The revised language for the petition is more balanced, and I would urge the Senate to adopt this amendment and then pass the bill with the amendment.

Amendment to HB 147

Amend the bill by inserting after section 1 the following and re-numbering the original sections 2-5 to read as 3, 4, 5, and 6 respectively.

2 Information Required on Certain Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. **If a person is required to file primary petitions under the provisions of this paragraph, the primary petitions which he files shall contain the following language in bold print at the top of each petition in addition to the language required in RSA 655:21: This candidate has not agreed to limit campaign spending according to amounts set by state law and as a result must submit these petitions.**

Amend the bill by replacing section 3 with the following:

3 Additional Information; Primary Petitions. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of _____, ss.

City (Town) of _____

I do hereby join in a petition for the printing on the primary ballot of the name of _____ whose domicile is in the city (town) of _____ (ward, street and number, if in a city), in the county of _____, for the office of _____ to be voted for on Tuesday, the _____ day of September, 19____, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the _____ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of _____ (ward, street and number, if in a city), in the county of _____. **I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which makes him ineligible to file as a candi-**

date for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

Print Voter's Name

Voter's Signature

[(Signed) _____]

State of New Hampshire

County of _____, ss.

City (town) of _____, 19 _____

The above-named, _____,

personally known to me, appeared and made oath that the above petition, by him subscribed, is true.

Before me,

 Justice of the Peace or Notary Public

AMENDED ANALYSIS

This bill amends the forms used for declarations of candidacy, primary petitions, and qualifications of candidates. The bill requires a candidate to declare that he is not a candidate for incompatible offices, and that he is not a federal employee.

The bill also adds certain information which must be included on primary petitions.

Amendment Adopted.

Recess.

Out of recess.

SENATOR BASS: Mr. President, for the same reasons that I just stated a minute or so ago, I urge the Senate to adopt the floor amendment 2892L.

Senator Bass offered a floor amendment.

Floor Amendment to HB 147

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-5 to read as 3, 4, 5, and 6 respectively.

2 Information Required on Certain Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. **If a person is required to file primary petitions under the provisions of this paragraph, the primary petitions which he files shall contain the following language in bold print at the top of each petition in addition to the language required in RSA 655:21: This candidate has reserved his or her rights under the federal constitution and New Hampshire laws and may choose not to agree to limit campaign spending according to amounts set by state law and as a result may be required to submit these petitions.**

Amend the bill by replacing section 3 with the following:

3 Additional Information; Primary Petitions. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of _____, ss.

City (Town) of _____

I do hereby join in a petition for the printing on the primary ballot of the name of _____ whose domicile is in the city (town) of _____ (ward, street and number, if in a city), in the county of _____, for the office of _____ to be voted for on Tuesday, the _____ day of September, 19____, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the _____ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of _____ (ward, street and number, if in a city), in the county of _____. **I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which makes him ineligible to file as a candidate for this office.** I further certify that I believe the above-named person is especially qualified to fill said office.

Print Voter's Name

Voter's Signature

[(Signed) _____]

State of New Hampshire

County of _____, ss.

City (town) of _____, 19 _____

The above-named, _____,
personally known to me, appeared and made oath that the above
petition, by him subscribed, is true.

Before me,

Justice of the Peace or Notary Public

Floor Amendment Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Roberge moved to have HB 298 an act lowering the level from .10 to .08 for legal intoxication under the DWI laws, Taken Off The Table.

HB 298, an act lowering the level from .10 to .08 for legal intoxication under the DWI laws. Transportation committee. Senator Heath for the committee.

A Roll Call was requested by Senator Russman.

Seconded by Senator W. King.

Recess.

Out of recess.

The following Senators voted yes: Oleson, Heath, Hough, Currier, Roberge, Pressly, Colantuono, Podles, Humphrey.

The following Senators voted no: W. King, Fraser, Disnard, Bass, Nelson, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 9

Nays: 12

Paired votes: Senator Blaisdell and Senator McLane.

MOTION TO TAKE HB 298, OFF THE TABLE FAILS.

TAKEN OFF THE TABLE

Senator Oleson moved to Have HB 700 an act relative to highway planning corridors, Taken Off The Table.

Adopted.

HB 700, an act relative to highway planning corridors. Transportation committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: I now defer to Senator Oleson.

SENATOR OLESON: As each and everyone here remembers, 700 is in regard to allow the Highway Department to set up certain corridors within the state of New Hampshire. In my opinion if these corridors had been set up many years ago, it would have saved and hastened up the construction of highways within the state and at the least expense than they are at the present time. It has been in my lifetime in one sense, in one area. We started back in 1967 to allow a certain thing to happen, and it took 20 years for it to get off the ground and the cost tripled. At that time there were certain projects and certain delays that went to \$5,000,000 to \$27,000,000 before we could get it under construction. At the same time in the southern part of the state, 101 which you are all familiar with it up there, are planning to start construction in that area, and that started in 1972 and they aren't through yet. So you can imagine what the cost is estimated. With this planning in place, I believe that anyone that wants construction along our highways within New Hampshire if this bill passes, can look at the plan and decide whether he or she would like to locate or not to locate within these limits. For this reason and many more at the present time and the time is getting short. I think that if one believes in escalation of plans, escalation of less cost to the ordinary taxpayer that this bill most certainly could be put in place and allow the Highway Department to execute this plan. Your vote would be appreciated, and I think that you would be helping the state, and yourself, and each of your towns in the municipalities in counties. And no way can I believe that this would harm anyone. Personal experience dictates, we've had two highways built through it. We didn't contest it, but if we had, it would have been taken anyway by eminent domain. But this bill more or less would circumvent such situations, hurry up our planning, and hurry up and get these projects off the ground, at least to the cost to everyone involved. Thank you very much.

SENATOR SHAHEEN: Senator Oleson, we are currently in the process of planning an East-West Highway.

SENATOR OLESON: I didn't understand you, Senator?

SENATOR SHAHEEN: We are currently in the process of planning an East-West Highway and there are a number of corridors that have been designated under consideration for that East-West highway. Under this bill, at what point would those quarters be set aside per court of protection restriction?

SENATOR OLESON: What the bill might do, Senator Shaheen, I believe we have certain plans, certain 10-year plans and the Lord knows how many plans. And in my mind, this bill is more or less consolidated to know exactly on what the plans are. I think this year on a certain bridge, I don't know how many hours we took to finally determine what action should be taken. I think that this plan in place, anyone involved that wants to know what their bridges would be placed, and rolled, and their locality, would be able to see it in a moments notice to a certain extent. I would think that this would take this time away which could be better utilized in other directions.

SENATOR SHAHEEN: Senator Oleson, I guess I'm still not sure that I understand. Right now there are significant portions of Strafford County and other portions along route 4, between Concord and the Seacoast that are designated as those highway corridors. Now many of those will never be actually developed. So if I understand this bill correctly, what that means is that those corridors would be set aside for corridor restrictions and nobody could do anything on that land until the route is determined?

SENATOR OLESON: Like anything else, at the present time when land is taken away or proposed to be taken away, you always have your hearings in your separate districts in your separate towns. Under this bill if they finally approve after hearing from the several districts and towns, if it was approved. Now I will repeat the word approved. Then these corridors wouldn't be more or less set aside. However, the landlord for any reason, where he might be offended or if he had a chance to put something on, maybe a development, he would be reimbursed and his money could be kept until after ten years, and then you go back to zero, and then be home free along with any damages which you thought might have happened and that was due in time.

SENATOR SHAHEEN: I guess I am still not clear at what point that happens, and who actually makes that approval. I have a real concern since one of those corridors is going through the town of Madbury. That somebody decides at some point, that that is a corridor that gets approved for a restriction, and yet the people in Madbury will have no right to appeal that decision, which is what this bill says. It gives people no right to appeal that decision.

SENATOR OLESON: All I can say at the present time if the state does not determine, and I'm just repeating myself, that we have had two pipe lines, a power line go through our property and in any case we did not contest it. But if we had, it would have been taken anyway under the eminent domain. This doesn't change much of anything, in my opinion. Now this bill, we had the hearing way back in March, we had two months. At the present time this is a clean bill. There have been no amendments offered to it and in any bill that I can think of to an extent, somebody might be offended by down the line. What we are here, I think, for is to determine what might be in the common good for the state of New Hampshire. I think that this bill accomplishes that purpose.

MOTION TO RECOMMIT

Senator Currier moved to recommit to the transportation committee.

Recess.

Out of recess.

SENATOR HEATH: I rise against, not against the motion to recommit, but we have talked about this, this is the second time. You heard the Chairman of Transportation explain this bill many times and his explanation is punched full of, he doesn't know. That is the problem with this bill. It is a skeleton of an idea. It has Constitutional problems. It has enormous liability problems for the towns, because they will get ensnared in this thing and when the challenge finally comes, they will have a huge pay back with interest. It is an attempt to avoid the eminent domain process which we use, which says we come in and take a piece of land, you go through a hearing, if the person objects, you find a fair price, you payed the person, you own the land. This says lay out all the highways you want and you don't have to pay for them until the whole long process goes through and you overshadow and reduce the value of the land. So I would urge you to at least send it back to committee, but don't do anymore for this half-baked idea than send it back to committee.

Adopted.

HB 700, IS RECOMMITTED to the Transportation committee.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 113, relative to weighted voting in school administrative unit affairs.

HB 169, relative to the disposition of revenues collected under the land use change tax.

HB 208, relative to annulments of criminal records.

HB 209, relative to conflicts between the municipal budget law and collective bargaining negotiations.

HB 244, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory damages.

HB 428, relative to the enforcement and administration of state taxes by the department of revenue administration.

HB 445, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers.

HB 514, relative to special town meetings.

SB 49, relative to alternate zoning board of adjustment members.

SB 96, relative to adoption.

SB 146, relative to equipment and instruction programs and revolving funds for regional vocational centers.

SB 174, relative to possessing and dispensing prescription drugs by nonprofit family planning agencies.

SB 209, relative to issuance of a notice or citation by the probate court to a court appointed fiduciary for failure to file an inventory or an account of administration and to requirements for notice to beneficiaries.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to SB 214-FN

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect July 1, 1991.

Senator Currier moved concurrence.

Adopted.

HOUSE CONCURS WITH SENATE AMENDMENT

The House of Representatives concurs with the Senate in the adoption of its amendment to the following entitled House Bill sent down from the Senate:

HB 54-FN, establishing a committee to study the laws regarding children in need of services.

ANNOUNCEMENTS

Senator Nelson (Rule #44): Okay, Senator Humphrey, I didn't speak for a lot of years here. You are just lucky that I am speaking as much as you are, but I used to be quiet and only asked questions. But I have confidence now.

Now let me say that I want you to join me, all the women in the Senate to acknowledge to our colleagues in the back of the room, Senator Bashful Bass. We want to say thank you to Senator Bass for his kindness and thoughtfulness in this giving of the flowers.

RESOLUTION

Senator Delahunty moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION

RECONSIDERATION

Senator W. King moved reconsideration on HB 111, an act relative to protective well radii. Environment committee.

Adopted.

SENATOR W. KING: In the rush to get everything done, the Environment committee and as the Chair, I take full responsibility. It did not have the opportunity to consider an amendment that had general agreement from everybody late last night. I had all the parties go over the language of this agreement which you see of this amendment, what you see in front of you. Everyone is in agreement. All this does is add a little more flexibility to the bill that we already voted on today. And it allows well radii to be located in one or more of the following areas: a recorded easement, a common land designated as open space, land on which development is prohibited, and onto state and locally mandated property set-backs. I urge your passage.

SENATOR MCLANE: Senator King, does this change the 75;ftm in any way?

SENATOR W. KING: Effectively, Senator McLane, no. The idea is to make sure that there is 75;ftm in any place of protective radii. All it does is say that two protective radii can overlap or you can use conservation easements or things like that to run radii even if it's not your own land.

Senator King offered a floor amendment.

Floor Amendment to HB 111-FN

Amend the bill by replacing sections 1 and 2 with the following:

1 Purpose; Effect on Previous Law and Rules.

I. The provisions of this act shall not be construed to change in any way the substantive effect of RSA 485:35-a prior to the effective date of this act, which required all new subdivisions proposed after August 27, 1989, to confine wells and associated protective well radii to the lot served by the well.

II. The rules adopted under former RSA 485:35-a relative to protective well radii shall remain in full force and effect upon enactment of this act to the extent not inconsistent with the provisions of this act. The recodification of the section on protective well radii from RSA 485 to RSA 485-A shall not be construed to affect the validity of such rules otherwise consistent with this act.

2 New Section; Protective Well Radii. Amend RSA 485-A by inserting after section 30-a the following new section:

485-A:30-b Protective Well Radii.

I. All lots, including lots created prior to the effective date of RSA 485:35-a, shall be subject to the following conditions:

(a) Rules adopted under this section concerning such lots shall include provisions allowing abutting lot owners to overlap their respective well radii for their mutual benefit and provisions allowing well radii to extend over property lines onto state and locally-mandated property line setbacks, recorded easements, or land which is permanently dedicated to a use which precludes development.

(b) For private wells serving commercial buildings, the entire protective well radius shall be maintained on one or more of the following: on-lot, on a recorded easement, on land which is permanently dedicated to a use which precludes development, or on state and locally mandated property line setbacks. For the purposes of this section, the term "commercial building" shall not include a residence which is also used for commercial purposes unless the total water withdrawal exceeds 600 gallons per day.

(c) For private wells serving buildings other than commercial buildings, if the protective well radius cannot be wholly maintained on an existing lot of record due to the size or other physical characteristics of the lot, then the on-lot protective radius shall be maximized to the extent practicable. Subject to the foregoing sentence, the protective well radius shall be maintained on one or more of the following: on-lot, on a recorded easement, on land which is permanently dedicated to a use which precludes development, or on state and locally mandated property line setbacks.

(d) Any person submitting plans and specifications for a sewage or waste disposal system for a property which is or will be served by an on-lot well, shall show the location or proposed location of the well, or a designated area within which the well will be located, on such plans and shall show the protective radius as specified in the division's rules.

(e) Whenever the division approves a septic plan with an on-lot well radius which is less than the optimum standard, the division shall notify the applicant of the consequences of such reduced radius and advise the applicant whether special precautions should be taken relative to well installation.

(f) If the well is not installed prior to the sewage or waste disposal system being constructed, then the property owner shall provide the water well contractor with a copy of the approved plan showing the location of the well, and the water well contractor shall ensure, to the best of his ability that the well is installed in accordance with the approved plan.

(g) When, for reasons of the condition of the lot or the placement of buildings thereon, the well cannot be installed as shown on the approved plan, the water well contractor shall advise and consult with the property owner, or the property owner's agent, on the best possible alternative location, considering distance to property boundaries and to the sewage or waste disposal system. Using a standard release form prepared by the division, the water well contractor shall alert the owner to the consequences of the alternate installation, including the potential loss of the protection of any portion of the radius which extends over the property line. The owner, or the owner's agent, may defer to the designer of the sewage or waste disposal system or may allow the water well contractor to proceed in the identified alternative location. Prior to installing the well in the identified alternative location, the well contractor shall, using the standard release form, obtain a written acknowledgment, from the property owner, or the owner's agent, that the consequences are understood. The designer shall prepare an amended plan showing the actual location of the well. The property owner shall forward the amended plan, together with a copy of the signed release form, to the division and the local code enforcement officer or other appropriate designated local official prior to using the well. If the on-lot protective well radius is less than the optimum prescribed standard, the owner shall record the release form, upon which the actual protective radius shall be noted, together with a narrative description of the location of the well in the registry of deeds, and a copy of the recorded release form shall be filed with the division.

II. For lots approved under RSA 485-A:29, the rules adopted under this section concerning such lots shall include provisions allowing abutting lot owners to overlap their respective well radii for their mutual benefit by allowing well radii to extend over property lines, onto state and locally mandated property line setbacks, recorded easements, or land which is permanently dedicated to a use which precludes development. If after a lot is created pursuant to this section, the well cannot be installed as shown on the subdivision plan, then the provisions of RSA 485-A:30-b, I(d), (e), (f), and (g) shall apply.

III. For the purposes of this paragraph, the term "cluster development" means a form of residential subdivision that permits dwelling units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional requirements, provided that the remaining land area is permanently designated as open space for cluster development. For cluster developments the following provisions shall apply:

(a) Where the sewage waste disposal systems are located off of the individual home lots or the cluster development is served by municipal sewers, the wells and associated protective radii serving those home lots need not be confined to the individual lot which each well serves so long as all wells and their associated protective radii are confined within the tract of home lots and common land permanently designated as open space, and shall not encumber property situated outside of the cluster development except by recorded easement.

(b) Where the home lots are serviced by on-lot sewage or waste disposal systems, wells and their protective radii may be located wholly or partially on common land permanently designated as open space, and shall not encumber adjacent lots or property situated outside of the cluster development except by recorded easement. The division shall not approve such off-lot wells and radii unless the lot owner or developer demonstrates to the division's satisfaction, by means of recorded easements, land use restrictions or other appropriate mechanisms, that the well owner will be able to maintain and service the well in perpetuity and that the area covered by the protective well radius is permanently dedicated to a use which precludes development.

IV. The division shall adopt rules under RSA 541-A providing for protective well radii for private water wells, and for regulation of land use within the radii boundary.

AMENDED ANALYSIS

This bill establishes regulations for protective well radii, which include private wells serving commercial buildings, private wells serving buildings other than commercial buildings, and private wells serving cluster developments.

This bill recodifies the provisions of RSA 485:35-a, relative to protective well radii.

Floor Amendment Adopted.

Ordered To Third Reading.

RECONSIDERATION

Senator J. King moved reconsideration on HB 674, an act designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. Environment committee. Senator J. King for the committee.

SENATOR W. KING: I urge everyone to vote no.

Reconsideration Fails.

Senator Currier and Senator Heath in opposition to HB 674.

RECONSIDERATION

Senator Currier moved reconsideration on HB 463, an act relative to rulemaking for the board of education.

SENATOR CURRIER: I urge my colleagues to vote no.

Reconsideration Fails.

RESOLUTION

Senator Delahunty moved that the business of the day being completed, the Senate recess to the Call of the Chair for the sole purpose of enrolled bills report.

Adopted.

Third Reading And Final Passage

HB 104-FN, an act relative to a public water rights report and advisory committee.

HB 107-FN, eliminating registration fees for class AA dams.

HB 111, an act relative to protective well radii.

HB 116, relative to vacancies in the New Hampshire general court.

HB 129-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration and making an appropriation therefor.

HB 142-FN, relative to school district budgets and to the Tilton and Northfield Union school district.

HB 147, an act relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates.

HB 161-FN, relative to retirement system benefits and retirement system membership eligibility.

HB 210-FN, creating a committee to study artificial improvements, relative to the department of environmental services revolving fund and abolishing the office of state geologist.

HB 211-FN-A, an act relative to administrative fees of the air resources division and continually appropriating such fees.

HB 250-FN, an act relative to the board of nursing.

HB 257, an act relative to collection and reclamation of motor vehicle wastes.

HB 262-FN, an act revising hazardous waste facility permit fees.

HB 274-FN, relative to sentencing and transfers to county correctional facilities.

HB 276-FN, an act relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services.

HB 282-FN, an act relative to the BOCA Basic Building Code and the Life Safety Code.

HB 283-FN, exempting certain mortgage brokers from penalties for failure to file annual reports.

HB 286, relative to the operation of powerboats on Long Pond in the town of Northwood.

HB 323-A, an act relative to the Cheshire Bridge and making an appropriation therefor.

HB 324-A, an act relative to highway projects and bond issuance and making an appropriation therefor.

HB 341-FN, an act relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula.

HB 385, an act relative to administrative inspection warrants, town trust funds, and planning board decisions.

HB 393-A, an act relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor.

HB 416-FN, an act relative to drug-free school zones and making appropriations therefor.

HB 427-A, an act relative to additional improvements on Gosling Road and making an appropriation therefor.

HB 429-FN, relative to the salaries of county attorneys and relative to prior service as an employee of a political subdivision.

HB 458, an act relative to the composition of the wetlands board.

HB 462, an act relative to special education hearing officers.

HB 463, an act relative to rulemaking for the board of education.

HB 493-FN, an act relative to the design review fees for sewerage and wastewater projects.

HB 509, an act clarifying the definition of public benefit relative to permitting solid waste facilities.

HB 513, relative to the eminent domain procedure act and unpaid taxes.

HB 515-FN, authorizing governor and council to accept certain dams.

HB 547, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns.

HB 560-FN, relative to bacteriological standards and reclassifying certain waters and relative to the sale of certain batteries.

HB 563-FN, an act relative to the creation of trust funds and relative to unanticipated school funds.

HB 571-FN, an act relative to multiple-employer welfare arrangement.

HB 576-FN, an act relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

HB 595, an act relative to citations for building code and land use violations.

HB 611-FN, an act relative to plastic holding devices used in packaging.

HB 648-FN, establishing the New Hampshire economic development commission.

HB 652, relative to the duties of the board of tax and land appeals and the department of revenue administration.

HB 660-FN-A, establishing a highway and bridge betterment program and continually appropriating the highway and bridge betterment account.

HB 667, relative to clean-up of health nuisances.

HB 674-FN, an act designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers.

HB 705-FN-A, an act establishing the New Hampshire scenic byways planning program.

HB 709-FN, an act establishing a study committee relative to clear-cutting forest resources and extending the effective date for rule-making by the board of licensing for foresters.

HB 713-FN, an act relative to the general counsel of the public utilities commission.

HB 742-FN, an act relative to excavation.

HB 745-FN, an act relative to sewage disposal systems.

HB 750-FN, an act establishing a committee to study the development of a waste-tire management program.

HB 751-FN, an act concerning the procedure for local enforcement of certain state environmental laws.

HB 753-FN, an act redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate.

HB 761-FN, relative to leasing certain state land.

HB 780-FN, an act relative to water treatment plant operators and fees for water system permits.

Division Vote — 3/5 Vote Required

CACR 7, an act relating to the incompatibility of holding a state office and being called up for temporary military active duty. Yeas: 15 - 8.

CACR 12, an act relating to rulemaking authority. Yeas: 23 - 0.

HJR 4, an act relative to providing access to Flat Mountain Pond for members of the public.

HCR 11, an act relative to abortion drug RU486.

Senator Delahunty moved that we recess to the call of the Chair.

Adopted.

Recess.

Out of Recess.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, May 21, 1991, at 2:00 p.m.

LATE SESSION

Senator Delahunty moved to adjourn.

Adopted.

Adjournment.

May 21, 1991

The Senate met at 2:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray. Lord, we are in the midst of committee of conferences. What more can I say, but let us pray that all will work out for all concerned. The committee is only as good as the conferees. Show us the way Lord, and Bless us all.

Amen.

Senator Blaisdell led the Pledge of Allegiance.

INTRODUCTIONS

NOTICE OF RECONSIDERATION

Senator Shaheen moved notice of reconsideration on HB 324, relative to highway projects and bond issuance and making an appropriation therefor.

HOUSE CONCURS WITH SENATE AMENDMENTS

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 116, relative to a definition of active military service in relation to representatives and senators.

HB 166, relative to voting in cooperative school districts.

HB 212-FN, relative to black bear hunting licenses.

HB 269, granting probate judges greater discretion to require bonds from executors and trustees and relative to probate court scheduling.

HB 409-FN-A, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor.

HB 544, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members.

HB 637-FN, relative to insurance fraud.

HB 746-FN, relative to procedures and fees for recording certain documents with town or city clerks.

HOUSE CONCURS

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 67-FN, relative to establishing a study committee to study the feasibility of revising the school building aid formula.

SB 157-FN, relative to bingo.

HOUSE VOTES INEXPEDIENT TO LEGISLATE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 110-FN, relative to protection of first amendment rights of students.

SB 138-FN, establishing a committee to study the bidding process on state construction projects.

HOUSE REFUSES TO CONCUR

The House of Representatives refuses to concur with the Senate amendments in the passage of the following entitled Bills sent down from the Senate:

HB 129-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration.

HB 158, relative to highway safety for riders and drivers of animals.

HB 733-FN, establishing a study committee to study public assistance.

HOUSE RE-REFERRED TO COMMITTEE

The House of Representatives has Re-referred to Committee the following Senate Bills:

SB 27-FN, relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer.

SB 192-FN-A, relative to the office of chief medical examiner.

HOUSE ACCEDES TO SENATE REQUEST FOR A COMMITTEE OF CONFERENCE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 180-FN, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals.

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 22, relative to changes in requirements for psychologists.

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 97, relative to administrative rules and state mandates.

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 210-FN-A, relative to drugged driving and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENTS

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 83, relative to the investment of public funds.

Senator Fraser moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 55-A, relative to replacing the Warren Bridge on New Hampshire Route 25.

Senator Oleson moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 10-FN, establishing a study committee on bonuses for veterans who served during the Persian Gulf crisis.

Senator Blaisdell moved concurrence.

Adopted.

Recess.

Senator Fraser in the Chair.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 158, relative to advanced registered nurse practitioners.

Senator Currier moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 126-FN, relative to groundwater classification.

Senator W. King moved concurrence.

Adopted.

SB 170-FN-A, to study the revenue structure in New Hampshire and making an appropriation therefor.

Senator McLane moved concurrence.

Adopted.

SENATE REFUSES TO CONCUR WITH HOUSE AMENDMENTS

REQUEST COMMITTEE OF CONFERENCE

The House of Representatives concurs with the Senate in the pas-

sage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 182-FN, relative to the division of information services.

Senator Roberge moved noncurrence and requested a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Dupont, Delahunty, Nelson.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 183-FN, relative to the Lamprey Regional Solid Waste Cooperative.

Senator W. King moved noncurrence and requested a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Dupont, Shaheen, W. King.

SB 223: relative to prohibiting the study committee under established under 1989 2A1:1 for considering whether to move or relocate the Dover toll plaza.

Senator Oleson moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are Senators: Nelson, Shaheen and Fraser.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 104-FN, relative to a public water rights report and advisory committee.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson, Janet Conroy, Steve Maviglio, Leonard Smith.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 210-FN, creating a committee to study artificial impoundments.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Currier, Oleson.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Paul Lamott, John Chandler, Charles Vaughn, Robert Marston.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 286-FN, relative to the operation of powerboats on Long Pond in the town of Northwood.

Senator Heath moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Heath, Currier, St. Jean.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richard Haynes, George Katsiakores, Ted Klemarczyk, Roland Turgeon.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 341-FN, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula.

Senator Disnard moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Hough, J. King.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Nils Larson, Neil Kurk, Robert Guest, Arthur Corte.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 416-FN, relative to drug-free school zones and making appropriations therefor.

Senator Podles moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Podles, Nelson, Shaheen.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William McCain, Robert Hawkins, Alphonse Hattenschwiler, Pamela Bean.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 515-FN, giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Currier, Russman.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson, Mary Ann Lewis, Steve Maviglio, Mildred Beach.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 560-FN, relative to bacteriological standards and reclassifying certain waters.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Russman, Fraser.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Len Smith, Ray Buckley, Robert Marstson, Rick Trombly.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 595-FN, relative to citations for building code and land use violations.

Senator Podles moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Podles, Humphrey, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Perry, Sharon Nordgren, Paul Golden, Ruth Gage.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 611-FN, relative to plastic holding devices used in packaging.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Russman, Oleson.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Nancy Tarpley, Dan Burnham, Greg Hanselman, Linda Griebisch.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 613-FN, relative to the procedures of the certificate of need board.

Senator J. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, McLane, Bass.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Foster, Alice Ziegra, Ann Torr, Marian Copenhaver.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 619-FN, relative to central business districts.

Senator Bass moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Bass, Dupont, Shaheen.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richard Grodin, John Sytek, John Barnes, Tom Salatiello.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 709-FN, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Oleson, Fraser.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson, William Nehring, Peter Jankowski, Mary Ann Lewis.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 745-FN, relative to sewage disposal systems.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Fraser, McLane.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson, Mary Ann Lewis, Don Roulston, Peter Jankowski.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 751-FN, concerning the procedure for local enforcement of certain state environmental laws.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Fraser, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Karen Wadsworth, Fred Peyron, Bonnie McCann, Rick Trombly.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 761-FN, relative to leasing certain state land.

Senator Currier moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, McLane, J. King.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Peter Stio, Sandra Keans, John Weeks, Roland Frechette.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 771-FN, relative to sentencing and parole.

Senator Podles moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Podles, Colantuono, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Lee Lozeau, Kent Martling, Alice Record, Benjamin DePecol.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 780-FN, relative to water treatment plant operators and fees for water system permits.

Senator W. King moved to accede.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Oleson, Russman.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson, Mary Ann Lewis, Carol Stamatakis, John Young.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 173, establishing a committee to study certain provisions of RSA 154 relative to powers and duties of firewards.

HB 184, relative to civil penalties for securities violations.

HB 386, relative to a representative town meeting form of government.

HB 447, relative to bulk commodities.

HB 519, relative to municipal budget matters and the timber tax.

HB 604, granting rulemaking authority to the division of waste management relative to special waste and defining special waste.

HB 655, relative to statistical reports.

HB 684, regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor.

HB 767, to study access to group health insurance policies.

SB 19, establishing penalties and fines for use of blue lights by any person other than a laws enforcement officer.

SB 33, relative to establishing a nonlapsing account for the New Hampshire technical institute and vocational technical colleges and creating the position of director of financial management.

SB 43, establishing a committee to study utilization and management review and managed care.

SB 47, relative to emergency response personnel.

SB 64, relative to the superior courthouse in Nashua and making an appropriation therefor.

SB 74, establishing a committee to study the use of funds appropriated for catastrophic illness care.

SB 78, relative to loans to municipalities from state revolving loan funds and relative to the state guarantee for the elimination of pollution from public waters.

SB 79, establishing a committee to study an expedited permit process for environmental permits.

SB 87, relative to replacement employees.

SB 90, relative to the Salmon Falls Road in the cities of Somersworth and Rochester.

SB 114, requiring a report on certain water laws.

SB 122, exempting certain solid waste districts from application fees.

SB 128, relative to the development of an electronic benefit transfer system and making an appropriation therefor.

SB 149, relative to reimbursing certain school cooperatives for certain expenses and making an appropriation therefor.

SB 173, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor.

SB 222, relative to a study of alternative transportation.

Senator Currier for the committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 54, establishing a committee to study the laws regarding children in need of services.

HB 205, restricting the method of taking freshwater smelt.

HB 242, relative to the powers of county conventions.

HB 271, to study the purchasing policies of the technical institute and the technical colleges.

HB 311, confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System or on the Chicago Board Options Exchange.

HB 348, relative to the municipal records board.

HB 559, relative to commercial and recreational fisheries.

HB 653, relative to defense and indemnification of state officers and employees.

HB 692, relative to reinsurance intermediaries.

SB 32, permitting district and municipal courts to accept payment of fines by credit card.

SB 71, relative to superior court justices.

SB 150, relative to partnerships and relative to foreclosures.

SB 202, relative to due process in the liquor commission's proceedings.

SB 224, relative to increasing the bonding authority for industrial development projects for the city of Dover.

SB 229, establishing Civil Rights Day and abolishing Fast Day.

Senator Currier for the committee.

Adopted.

COMMITTEE REPORTS

HB 193-FN, an act authorizing the state to enter into a lease-purchase agreement with the town of Milford for a new district courthouse. Capital Budget committee. Ought To Pass With Amendment. Senator Nelson for the committee.

SENATOR NELSON: I would refer the Senate to amendment on page 5 of the Journal. What we have done is amend on to this bill. It is relative to lease purchase agreements for district courts, meetings of the Auburn district court, study committee on the district courts, and making a supplemental appropriation for renovation of the Rochester post office as a district court facility. This bill contains a study to look at all the district courts. I'll be happy to take questions if anybody has any on this legislation.

Amendment to HB 193-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to lease-purchase agreements for district courthouses, meetings of the Auburn District Court, study committees on the district courts, and making a supplemental appropriation for renovation of the Rochester Post Office as a district court facility.

Amend the bill by replacing all after section 1 with the following:

2 Authorization; Lease-Purchase Agreement for Courthouse. The department of administrative services is authorized to enter into a lease-purchase agreement with the town of Derry for a new district courthouse which will be located in Derry.

3 Meetings of Auburn District Court. Amend RSA 502-A:2 to read as follows:

502-A:2 Sessions in Towns Within District. The purpose of the establishment of this system of district courts is to provide the minimum number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, the justice or special justice of each district shall hold sessions in such localities within their respective district and at such times as may best serve the convenience of the communities within their district. District courts are hereby directed to hold regular sessions in the towns as set forth in the following table, except that a district court shall not be required to hold regular sessions in a town if, upon written request by the town following the mandate of the local legislative body and written agreement between the court and the governing body of the town, it is determined that such sessions are no longer required for the effective administration of justice. Sessions once discontinued shall not be reinstituted except by agreement of both the court and the local legislative body. The following table sets forth the required regular sessions in towns:

District Courts	Towns
Exeter	Newmarket
[Auburn	Northwood]
Rochester	Farmington
Laconia	Meredith
	Alton

Nashua	Pelham
Milford	Wilton
Keene	Hinsdale
	Walpole
Claremont	Charleston
Lebanon	Canaan
Littleton	Bethlehem
Plymouth	Bristol
Lancaster	Northumberland
	(Groveton)
Merrimack	Bedford

Unless discontinued in the manner provided for above, sessions of district courts shall be held not less than one day a week in each of the towns listed above. The district courts enumerated above shall commence holding sessions as provided herein when the municipal courts in said towns are abolished as provided in RSA 502-A:35. No provision of this section shall be construed to prevent any district court from holding sessions in other localities within the district where justice and the convenience of the parties may so require. However, if regular sessions of a district court are to be held in such localities, such sessions shall be authorized by the administrative committee.

4 Department of Transportation Approval Required. Notwithstanding any other provision of law, any contracts or purchases by the department of administrative services for professional architectural or engineering services or for plans, designs and construction documents for a lease or lease-purchase of any district court facility shall require the approval of the department of transportation.

5 Committee to Review District and Municipal Courts Established.

I. A committee is established to review the physical plant structure of the district court system, including, but not limited to, location, size, number, and structural condition. The committee shall review the status of all district and municipal court facilities and study whether consolidation or redistricting is appropriate. The committee shall consider such factors as caseload, case type, demographics and building needs.

II. The committee shall consist of the following members:

- (a) Two house members appointed by the speaker.
- (b) Two senate members appointed by the senate president.
- (c) Two district court justices appointed by the supreme court, one of whom shall be the administrative justice of the district courts.
- (d) The director of the administrative office of the courts.
- (e) Three public members appointed by the governor.

(f) The commissioner of the department of administrative services, or designee.

(g) Commissioner of the department of transportation, or designee.

(h) A member of the New Hampshire Bar Association appointed by the President of the Bar Association.

(i) A district court clerk appointed by the supreme court.

(j) The president of the New Hampshire Police Chiefs Association, or designee.

(k) The director of the office of state planning, or designee.

III. The committee shall submit a report on its findings and plans to the speaker of the house, the senate president, and the governor on or before December 31, 1991.

6 Committee to Study Consolidation of Hanover and Lebanon District Courts Established.

I. A committee is established to study the consolidation of the Hanover and Lebanon district courts. The members of the committee shall be appointed by the governor and shall be as follows:

(a) Three members of the house, one from each of Grafton representative districts 11, 12 and 13.

(b) One member from each of the municipal governments of Hanover, Lebanon and Canaan.

(c) The president of the New Hampshire Police Chiefs Association, or designee.

(d) The director of the administrative office of the courts.

(e) The senator from senate district 5.

II. The committee shall submit a report on its findings and recommendations to the speaker of the house, the senate president, and the governor by January 1, 1992.

7 Supplemental Appropriation; Department of Administrative Services. The sum of \$250,000 is appropriated to the department of administrative services for the biennium ending June 30, 1991, for the purpose of renovating the Rochester Post Office as a district court facility. The appropriation shall not lapse until June 30, 1993.

8 Bonds Authorized. To provide funds for the appropriation made in section 7 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$250,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the department of administrative services to enter into lease-purchase agreements with the towns of Milford and Derry for new district courthouses.

The bill requires department of transportation approval for expenditures by the department of administrative services with regard to lease or lease-purchase of district court facilities.

The bill removes the requirement that the Auburn district court meet in Northwood once a month.

The bill also establishes a study committee on municipal and district court facilities and a study committee on the consolidation of the Hanover and Lebanon District Courts.

A supplemental appropriation is made for the renovation of the Rochester Post Office as a district court facility.

Amendment Adopted.

Ordered To Third Reading.

HB 328-A, an act relative to a new Manchester district court facility and making an appropriation therefor. Capital Budget committee. Ought To Pass With Amendment. Senator Nelson for the committee.

SENATOR NELSON: If you would again take a look at your journal on page 7, you will see that what we have done is delete two words from this. The Capital Budget committee amendment strikes out the words "renovation" and "rehabilitation" from section 2 of the bill. The intent of the bill as it was originally drafted was to allow the department of administrative services to begin site location, design and planning processes in the construction of a new district court facility, and authorize the issuance of \$250,000 in general fund bonds for this purpose. The House added the words "renovation" and "rehabilitation", when it became known that a mill building in Manchester could possibly be renovated for this purpose. There were too many unanswered questions relative to the lease purchase agreement, so we have decided not to pass that and revert to the original form of the bill as it was introduced in the House. And, I'll be happy to answer any questions.

Amendment to HB 328-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a new Manchester district court facility
and making an appropriation therefor.

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Administrative Services. The sum of \$250,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1992, for the site location, design, and architectural plans of a new Manchester district court facility. In planning this facility, the department of administrative services shall consider issues including cost, accessibility, and needs for space now and in the future for such purposes as storage of records, building security, separation of adult and juvenile detainees, and private conference rooms.

AMENDED ANALYSIS

This bill makes an appropriation to the department of administrative services for the site location, design, and architectural plans for a new Manchester district court facility. This appropriation is bonded.

Amendment Adopted.

Ordered To Third Reading.

HB 443, an act relative to shoreland protection and making an appropriation therefor and relative to pesticide applications. Environment committee. Ought To Pass With Amendment. Senator W. King for the committee.

SENATOR W. KING: Fellow Senators, you will see before the committee amendment which did not get printed in the calendar on HB 443. HB 443, the shoreland protection bill, sets up certain standards to protect the quality of the water in the lakes in the state of New Hampshire. The amendment that you see before you corrects some problems that were in the bill and also creates a committee that will take a look at the issue of rivers. The rivers, as most of you know, were removed from the bill in the House. The committee felt that it was appropriate that we not put them back in, because rivers are able to disperse various nutrients and other things in a different way than lakes are. So we felt that it was better to create a committee to take a look at that. This committee will also take a look at the hot issue of swift water in New Hampshire of recreational mining in the state's rivers. We urge your passage.

SENATOR MCLANE: I just wanted to add to Senator King's report on this bill, 443, and state that the amount of study work of four years that has gone into this, makes this real landmark shore land

protection. I think the fact that even the realtors that were on the study committee and concerned at first that they couldn't have small lots on lakesides, ended up in strong support of the bill, because they realized that we were sure that we were protecting the lakes and this was, eventually, to their great advantage as well as others.

Amendment to HB 443-FN-A

Amend RSA 483-B:7 as inserted by section 1 of the bill by replacing it with the following:

483-B:7 Reporting; On-Site Inspections; Local Participation. The commissioner may devise a system whereby municipal officials may voluntarily assist with the permitting process under RSA 485-B:17, I-a and the subsequent enforcement of permit conditions, by performing certain reporting functions relative to on-site inspections. Utilization of such reports shall be at the commissioner's discretion, but may, when appropriate, obviate the need for further on-site review by department staff.

Amend RSA 483-B:9, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) No fertilizer, except lime and wood ash, shall be used on residential properties.

Amend RSA 483-B:9, III as inserted by section 1 of the bill by replacing it with the following:

III. Public water supply facilities, including water supply intakes, pipes, water treatment facilities, pump stations, and disinfection stations shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter. Private water supply facilities shall not require a permit.

Amend RSA 483-B:9, V(a)(2)(C) and (D) as inserted by section 1 of the bill by replacing them with the following:

(C) Trees, saplings, shrubs and ground covers which are removed to clear an opening for building construction, structures, septic systems, roadways, pathways, and parking areas shall be excluded when computing the percentage limitations under subparagraph (a)(2)(A).

(D) Dead, diseased, unsafe, noxious or fallen trees, saplings, shrubs, or ground covers may be removed. Their removal shall not be used in computing the percentage limitations under subparagraph (a)(2)(A).

Amend RSA 483-B:11, II as inserted by section 1 of the bill by replacing it with the following:

II. When reviewing requests for variances involving the redevelopment of sites that currently contain nonconforming structures, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the

existing standards, so long as the net effect represents an improvement in the overall degree of protection provided to the public waters.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Study Committee Established.

I. There is hereby established a study committee that shall investigate development issues adjacent to rivers, and which shall prepare a report for the governor, the president of the senate, and the speaker of the house, advising them of any minimum development standards which may be appropriate for inclusion in RSA 483-B for lands adjacent to rivers. The report shall be delivered no later than October 31, 1991.

II. The committee shall be comprised of the following:

(a) A member of the Rivers Management Advisory Committee, appointed by the governor.

(b) A member of a regional planning commission, appointed by the governor.

(c) A resident of a river community, recommended by the New Hampshire Municipal Association, appointed by the governor.

(d) A member of the New Hampshire Homebuilders Association, appointed by the governor.

(e) A member of the New Hampshire Association of Realtors, appointed by the governor.

(f) A member of a conservation commission, appointed by the governor.

(g) A staff member of the New Hampshire Municipal Association, appointed by the governor.

(h) The director of the office of state planning, or his designee.

(i) The director of the New Hampshire port authority, or his designee.

(j) The director of the fish and game commission, or his designee.

(k) The commissioner of the department of resources and economic development, or his designee.

(l) The rivers coordinator from the department of environmental services.

(m) Three members of the house of representatives, appointed by the speaker of the house.

(n) Two members of the senate, appointed by the president of the senate.

III. In addition to its other tasks, the committee shall examine the issue of recreational mining in the state's rivers, and make a report by October 31, 1991. Until said report is received and acted upon, the New Hampshire wetlands board is hereby restrained from

requiring registration permits for this activity, and is prohibited from collecting fees from individuals engaged in this activity.

Amendment Adopted.

Ordered To Third Reading.

Recess.

President Dupont in the Chair.

HB 248-FN, an act relative to developments having regional impact. Executive Departments. Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CURIER: For years, the Legislature has been seeking a way to bring neighboring communities into the process of reviewing developments which will have an impact on them, but without reducing the home rule authority of the community in which the development will occur. Prior bills have faltered on the issue of how to define a cut off point when a development has a regional impact. This bill provides the best solution to alleviate those concerns. It defines the terms, but it leaves it up to the individual communities to apply it.

Amendment to HB 248-FN

Amend the introductory paragraph of RSA 36:55 as inserted by section 1 of the bill by replacing it with the following:

36:55 Definition. In this subdivision "development of regional impact" means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to the following:

Amend RSA 36:57, I as inserted by section 1 of the bill by replacing it with the following:

I. Upon determination that a proposed development has a potential regional impact, the local land use board having jurisdiction shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

HB 434, an act relative to the procedure for planning boards to revoke approval of recorded plats. Executive Departments. Ought To Pass. Senator W. King for the committee.

SENATOR W. KING: HB 434 sets up a situation that in law describes under what circumstances a town may revoke a plat. That is a subdivision that is approved. It sets up the circumstances under which it may be requested by the town and under which it may be requested by the individual who owns the property. Current law is unclear on this matter and the enforcement and procedures vary from town to town. This sets up a very strictly controlled set of circumstances under which a plat may be revoked. We urge your passage.

Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

HB 523-FN, an act relative to local cease and desist orders for zoning, planning and code violations. Executive Departments. Ought To Pass With Amendment. Senator Pressly for the committee.

SENATOR PRESSLY: This bill allows certain local enforcement of officials to issue cease and desist orders to individuals in violation of local ordinances and codes. The bill requires such orders to be in writing and establishes a procedure by which they may be enforced. The Senate felt that this should be more clearly defined and therefore the amendment spells out the procedures of the cease and desist orders in a way that is understood and is fair to all parties. The committee unanimously recommends the passage of the amendment and then the final bill.

Amendment to HB 523-FN

Amend the introductory paragraph of RSA 676:17-a as inserted by section 1 of the bill by replacing it with the following:

676:17-a Cease and Desist Orders. The building inspector, code enforcement officer, zoning administrator or other official designated as an enforcement authority by ordinance or resolution of the local legislative body may issue a cease and desist order against any violation of this title, any local ordinance, code or regulation adopted under this title, or any provision or specification of an application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title, subject to the following:

Amend RSA 676:17-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. If an answer is filed and served as provided in paragraph V, further proceedings in the action shall be governed by the rules of the district court. If the order is sustained following trial, the court

shall enter judgment and shall fix a time within which the corrective action shall be taken, in compliance with the order as originally filed, or as modified by the court. If the order is not sustained, it shall be annulled and set aside. If it appears to the court that the order was frivolous, was commenced in bad faith, or was not based upon information and belief formed after reasonable inquiry or was not well-grounded in fact, then the court shall order the defendant's costs and reasonable attorney's fees to be paid by the municipality. The clerk of the court shall mail a copy of the judgment to the persons upon whom the original order was served.

AMENDED ANALYSIS

This bill allows certain local enforcement officials to issue cease and desist orders to individuals in violation of local ordinances and codes.

The bill requires such orders to be in writing and establishes a procedure by which they may be enforced.

The bill also allows the court to order a municipality to pay costs and attorney's fees to the defendant if the order to cease and desist was frivolous, was brought in bad faith or was not based on well-grounded facts or information.

Amendment Adopted.

Ordered To Third Reading.

HB 577, an act relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board. Executive Departments committee. Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CARRIER: The question addressed by this bill is at what point does a plan become exempt from new regulations, whether those are zoning regulations, subdivision regulations, or a site plan review regulation.

Amendment to HB 577

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the effect of zoning changes and amendments
on plats or applications accepted by a planning board
and relative to the Pease development authority.

Amend the bill by replacing section 5 with the following:

5 Airport District Redefined. Amend RSA 12-G:2, I to read as follows:

I. "Airport district" means:

(a) the property conveyed, granted or otherwise transferred to the authority by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. section 1622(g)), as amended[.]; or

(b) **Property conveyed, granted or otherwise transferred to the authority by the federal government or any agency thereof and declared or designated by the authority as the "airport district" in accordance with the procedures prescribed in RSA 12-G:10, II.**

6 Use of Air Navigation Facilities; Exception for Pease Air Force Base. Amend RSA 422:23 to read as follows:

422:23 Use of Air Navigation Facilities. **Except for that land acquired at Pease Air Force Base by the Pease development authority,** there shall be no exclusive right for the use of any landing area or air navigation facility upon which state or federal funds have been expended; provided, that the state or a municipality acquiring air navigation facilities under the provisions of this chapter, is authorized to contract for or lease to any person the use of the facilities, prescribing the same minimum standards for all operators, and may establish reasonable rent or fees therefor. Such a contractual or lease agreement shall be adequate in its terms as to duration so as to assure permanence and stability to an operator in the use of the airport for any aeronautical business or operation up to the capacity of the airport with respect to air safety.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill confirms the intent of 1986, 229:3 by re-emphasizing that once an applicant has submitted a development application to the planning board, and the application has been accepted by the planning board as complete, the applicant shall not be affected by any subsequent zoning change or amendment made by the local legislative body.

The bill also confirms the intent of chapter 477:1 of the laws of 1983 by adding language to take into account subsequent changes in site plan review regulations once a plat is approved by the planning board and recorded in the registry of deeds.

The bill also redefines "airport district" for purposes of the Pease development authority, and grants an exception for land acquired at Pease Air Force Base by the Pease development authority relative to the exclusive use of air navigation facilities.

Amendment Adopted.

Ordered To Third Reading.

HB 581, an act relative to personal property of tenants. Executive Departments committee. Ought To Pass With Amendment. Senator Colantuono for the committee.

SENATOR COLANTUONO: This bill establishes a standard for landlords who have property left over, when tenants vacate premises. Under this bill, they have to keep the property for a period of 45 days. If the tenant doesn't come back to claim it, they can dispose of it without further notice. We added another provision to the bill. The amendment on page 10 of the calendar clears up an uncertainty concerning writs of possession and makes it clear that under a writ of possession, the sheriff is authorized to remove the personal property and the person of the defendant who has been evicted. I note in the calendar that roman numeral I should be under paragraph 1. I bring that to the attention of the clerk and the committee on Enrolled Bills perhaps to fix that problem.

Amendment to HB 581

Amend the bill by replacing all after the enacting clause with the following:

1 Writ of Possession. Amend RSA 540:14, I to read as follows:

2 New Paragraph; Property of Tenant. Amend RSA 540-A:3 by inserting after paragraph VI the following new paragraph:

VII. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, either voluntarily or by eviction, for a period of 45 days after the date upon which such tenant has vacated. After the 45-day limit has expired, such personal property may be disposed of by the landlord without notice to the tenant.

I. If the defendant makes default, or if on trial it is considered by the court that the plaintiff has sustained his complaint, judgment shall be rendered that the plaintiff recover possession of the demanded premises and costs, and a writ of possession shall issue. [Failure by the tenant to vacate the premises by the date specified by the court shall constitute civil contempt.] **The judgment may be enforced, at the sole discretion of the plaintiff, either by directing the sheriff to serve the writ of possession or by seeking judicial relief against the defendant for civil contempt.** A writ of possession shall authorize the sheriff to remove the defendant from the premises.

3 Effective Date. This act shall take effect January 1, 1992.

AMENDED ANALYSIS

This bill allows a landlord to have a default judgment issued against a tenant enforced by a sheriff through a writ of possession or by the court through civil contempt proceedings.

The bill also requires a landlord to store the property of an absent tenant for 45 days, after which the landlord may dispose of the property as he chooses.

Amendment Adopted.

Ordered To Third Reading.

HB 603, an act to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts. Executive Department committee. Ought To Pass. Senator J. King for the committee.

SENATOR J. KING: This bill creates a task force to study and identify the mandated responsibilities imposed by the state and the federal government upon our cities and towns, and our school districts. They are to make recommendations for the modification or repeal of these mandates. The committee passed this unanimously and we seek your approval, also.

Recess.

Out of Recess.

Senator Fraser moved to have HB 603, Laid On The Table.

Adopted.

HB 603, IS LAID ON THE TABLE.

HB 610, an act establishing a committee to study how the department of administrative services may efficiently collect the fines and fees imposed by the state. Executive Departments committee. Ought To Pass With Amendment. Senator Fraser for the committee.

SENATOR FRASER: HB 610 was introduced in order to establish a study committee for the purpose of coming up with a unified system of collecting overdue fines and fees. Right now, the court system does its own thing. The office of cost containment collects for indigent defendants for costs that have been incurred by the state. The office of reimbursement, which functions for the division of mental health, collects for those institutions, such as New Hampshire Hospital and Glencliff. They collect room and board charges, they seek reimbursement from insurance. They also collect for the voc-tech for

tuition charges and books and the like. The department of corrections, through the probation department, also collect their overdue fees and fines from offenders. This committee would look at all aspects and see if we can come up with a unified system. We urge passage and adoption of this bill.

Amendment to HB 610-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study means of approving
programs for collecting the fines and
fees imposed by the state.

Amend the bill by replacing section 1 of the bill with the following:

1 Committee Established; Purpose. A committee is hereby established to study and review means of approving programs for collection of overdue fines and fees imposed by the state and to evaluate whether the use of national credit cards to collect such fines and fees would assist in prompt payment.

Amend the bill by replacing section 2, paragraph VI with the following:

VI. One member of the judicial branch, appointed by the chief justice of the supreme court.

AMENDED ANALYSIS

This bill establishes a committee to study and review means of approving programs for collection of overdue fines and fees imposed by the state and to evaluate whether the use of national credit cards to collect such fines and fees would assist in prompt payment.

Amendment Adopted.

Ordered To Third Reading.

HB 633, an act to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes. Executive Departments committee. Ought To Pass. Senator Fraser for the committee.

SENATOR FRASER: This bill has been introduced at the request of the New Hampshire municipal association. Effectively, what the bill does is require any local land use board, which collects a fee for application, fees for notices, fees for administrative expenses, and investigative studies shall place the money in the hands of the trea-

suror and can be spent only for the purpose for which it was intended. The treasurer shall place it in a non-lapsing account and enjoined from the co-mingling of the funds of the community or municipality. Part two of the bill just broadens the definition of the mayor to include any designated person who, under charter of the community, performs the duties of a mayor. We urge adoption of HB 633.

Adopted.

Ordered To Third Reading.

HB 691-FN, an act relative to licensing and certification of real estate appraisers and licensing private detectives. Executive Departments committee. Ought To Pass. Senator J. King for the committee.

SENATOR J. KING: This bill brings regulation to New Hampshire appraisers in line with what the federal act of 1989 requested. The bill sets up three tiers of classifications for appraisers in New Hampshire. The licensed residential appraiser which can go from a unit of one to four units. The certified residential appraiser which are those appraisers qualified to appraise more complex residential appraisals as defined by the federal government. And, a certified general appraiser that person qualified to do all types of properties, including commercial and industrial. The bill's passage is necessary in order to comply with the federal guidelines and most importantly, to meet the federal deadline for compliance of January 1, 1992. If New Hampshire doesn't have an adequate supply of certified licensed appraisers by the beginning of 1992, the real estate market could come to a halt. This bill also contains an amendment regarding private detectives, which allows employees of private detective agencies to be licensed without having to meet the experience requirement of the private detective they work with. The committee is in favor of it, and we seek your support of the bill.

SENATOR NELSON: Senator King, I was just curious. I didn't quite hear you when you talked about the modification of the educational standards. Is that relative to the fact that you have three levels of certification and that is why they changed it? Or is that relative to the federal law?

SENATOR J. KING: I think one of the reasons is so they get just about everybody in there. They do have examination, experience, and continuation requirements are more stringent for the certified classifications.

Adopted.

Ordered To Third Reading.

HB 720-FN, relative to fireworks. Executive Departments committee.

Ought to Pass with Amendment for the Majority. Senator Currier for the committee. Ought to Pass with Amendment. Senator Pressly for the minority.

SENATOR CURRIER: The committee reluctantly took this bill back to committee for another review. The majority report reflects an amendment that is on page 10 of the calendar. What it does, is it takes into consideration the Class C common fireworks and deals with the sparkling variety — the type that your daughter, Mr. President, would like to use on the Fourth of July. It also has a provision in the statute which would become effective March 1, 1992 and establishes a study committee to review the process of the so-called safe and sane fireworks to come back to the Legislature with other recommendations. I believe that everybody has been well lobbied by both sides of this particular case, and I think it is a fairness issue that this particular measure and the majority report should be accepted and passed on.

SENATOR DUPONT: Just to clarify the parliamentary situation. You have two ought to pass recommendations with different amendments. The clerk informs me that the procedure would be to adopt or defeat the majority amendment and at that point in time, we would take action on the minority amendment and either defeat or adopt the minority amendment. I am told there is also a floor amendment that is forthcoming.

SENATOR PRESSLY: I rise in support of the minority amendment and I encourage the body to please vote no on this first amendment so you will have the opportunity to vote yes on the second one. The second amendment is the one that has been endorsed by the safety people and the fire people. This was a very difficult bill in the committee and actually the amendment of the minority recognizes that because they have asked for a study committee. There is certainly a sentiment that some types of innocent, what they call safe and sane types of fireworks should be allowable and therefore they feel that should be able to be there. The compromise proposal, the second amendment, would be that the original HB 720 would become law and become effective in March of 1992. That basically means that after this bill passes, nothing is going to change in the way of law until March of 92. But what will happen immediately is that the committee will be formed, it is on page 13, that will enable the people with differing points of view to come together, to come up with a definition of safe and sane. So the only thing that happens on the passage of this bill at this time, would be to form a proper study

committee so that the people with differing points of view can work it out in sufficient time to bring back a proposal prior to the effectiveness of HB 720. If you pass the first amendment, and not the second, what you are basically saying is that all of these fireworks can go into any municipality and that it then becomes the responsibility of the municipality to ban them. As someone mentioned to me, it is like saying everyone has to have strippers and if you don't want strippers in your town, then you have to ban them. What we are saying is that it makes more sense to have a limitation on what is safe and allowable, and then enable each community, if they would like to, to then say what they want, instead of saying what they don't want. It is the consensus of most of the safety and firefighter people that the second amendment is the one that will serve the municipalities the best. So I rise to encourage you to vote no on the first amendment and yes on the second.

SENATOR CURRIER: Senator Pressly, do you believe that a fair study can be attained when in fact the bill bans fireworks? If there is already a ban on them, why would they want to study it any further? Would this be a legitimate study, is the question?

SENATOR PRESSLY: I believe that it would be a legitimate study, because nothing has changed yet. And, there is sufficient time to change and enact a different law prior to this. I see it as more of a situation of bring the people, inspiring, motivating people to come to the table to define that safe and sane. As you know, we worked, and you particularly, very hard to try to get these people to sit and come up with a compromise and they didn't. So I feel, they haven't done it thus far, this will inspire them to do it.

SENATOR COHEN: Senator Currier, under the majority proposed amendment, would it be true that fireworks which may eventually be banned, potentially very dangerous fireworks, the fireworks that the fire chiefs and fire association and doctors are opposed to, could still be in use, still be used while it is being studied, before we get a chance to define what safe and sane is?

SENATOR CURRIER: That is true. In fact, under both proposals they will be. Because the law doesn't take effect until March 1, 1992. But in the testimony in the committee, one of the more important things. It is insane that a five year old have fireworks and that is the kind of testimony that we were hearing in terms of the bill. Somebody getting their finger blown off. Those types of fireworks are banned under the majority report. Bottle rockets and those that have more than 3 grams of powder in them, are banned. We have, in fact, reduced the amount of fireworks that would be sold under the proposal of the majority report.

SENATOR COHEN: But before safe and sane were defined, these would still be in use?

SENATOR CURRIER: As I said, under both proposals that will be the case.

SENATOR W. KING: I would like to compliment Doug Patch from the department of safety and all of the folks, fire chiefs and others, who came out for these hearings and came out to lobby. They really and truly do have the public's interest at heart and the public's safety at heart. And to some degree, this is a philosophical question. How far do we go in our society to protect people from themselves? How far do we go without asking them to take some individual responsibility in their lives for themselves and their children? The minority report on 720, in my opinion, goes too far. It is a total ban and it is bad public policy to enact a complete ban and then say then we will study and decide whether or not we did the right thing. That is bad policy, it seems to me. The majority report that we have doesn't go quite as far as the minority report. It does still allow for the use of sparkling devices and it also has a committee that will then look into that issue a little further. I would encourage you to adopt the majority report.

SENATOR ROBERGE: I urge you to support the minority report. I have some facts that have been compiled having to do with this issue. The forest fire season is just beginning in New Hampshire, with only 3 of 12 fire towers reporting, we have had 4 fires started by fireworks. Both state and local funds were required to extinguish these fires. Significant time and money has been spent by state and local enforcement agencies in an attempt to enforce the present fireworks law. A Hampton High School junior is dead because of fireworks that were purchased illegally in New Hampshire. In 1990, 12,400 fireworks related injuries were reported to hospital emergency rooms. This is an increase of 28 percent over 1989 and one of the highest figures ever reported. In 1988, reports of an estimated 44,500 fires were known to have been caused by fireworks. These fires caused an estimated 20 deaths and \$41,000,000 in direct property damage. Children, under 19 years of age, suffered three out of every five fireworks injuries. Sparklers alone caused 75 percent of the injuries to children under 5. Public firework displays account for only 4 percent of the fireworks related injuries, a clear indication that fireworks belong in the hands of professionals. Incidents that have been reported: a fourteen year old boy was seriously injured while mixing chemicals for making explosives in his family's home. The chemicals which were ordered exploded unexpectedly, destroying much of the home. A fifteen yearold male was playing with fire

crackers and one exploded in his hand causing first and second degree burns of his palm and fingers. An eighteen year old girl suffered second and third degree burns to her leg, when a sparkler she was holding ignited her dress. A five year average, from 1985 to 1989, reflects emergency room reports of 10,400 fireworks related injuries each year. Those under the age of 20 are four and a half times more likely to incur fireworks related injuries requiring medical treatment than adults over 24 years of age. In New Hampshire, an incident reported in the Atlantic Advertiser involved a Seabrook selectman who received serious injury when a firework exploded in his right hand. He was taken by ambulance to the hospital where he required hand surgery. On July 4, 1990, in Meredith, a mother and her five month old daughter were injured by fireworks. They were watching a private display of fireworks. A spinning type firework, on its way up, struck a tree limb. It went out of control and landed on the mother while she was holding her child. The victim's clothing caught on fire. The fire continued to burn the child until she was immersed in a nearby lake. The child was taken to Lakes Region Hospital and then transferred to Shriners Hospital in Boston. The child was treated for first, second and third degree burns on the left side of her scalp, face, neck, shoulder and left arm. The police report goes on to say the child has had several operations. Even with these operations, she will be scarred for life. This incident has put the family under great stress and continues to do so, as the child is still being treated for, and continues to suffer from these injuries. On September 5, 1990, a seventeen year old Hampton youth died as a result of severe head injuries received in a fireworks accident that occurred two days earlier. On September 11, 1990, an editorial in the Exeter NewsLetter talks about the death of Chris Barnes in Hampton. The editorial states, "Every candidate for state office, from Governor to State Representative goes to his or her constituents this year to pledge to change the state's ill-advised, irresponsible law and the only change that will be effective is an outright ban on the sale and possession of class C fireworks. Chris Barnes' death served as a powerful, painful lesson to friends and family he left behind. It should also serve as a call for unanimous action from the State House."

SENATOR HUMPHREY: Senator Currier, am I correct that current law allows each town to ban the retail sale or display of class C fireworks?

SENATOR CURRIER: That is correct, Senator.

SENATOR HUMPHREY: So presently, each town is free to ban not only explosive fireworks but sparkling fireworks as well. Is that correct?

SENATOR CURRIER: As I understand it, yes.

SENATOR HUMPHREY: The significant difference between the majority amendment and the minority amendment is that the majority amendment would permit the sale and the display of sparkling fireworks in any town, whereas the minority bill would not. Is that correct?

SENATOR CURRIER: That is correct.

SENATOR HUMPHREY: And with respect to both the majority and minority amendments, neither permits the retail sale or display of explosive fireworks or sparkling fireworks that are somehow propelled. Is that correct?

SENATOR CURRIER: Correct.

SENATOR HUMPHREY: So under the majority amendment then, towns may not ban the retail sale or display of sparkling fireworks which are classified as not exploding and not propelled? And they may not, under the majority amendment, ban such a class of fireworks?

SENATOR CURRIER: Under the protection of this bill, they will not be able to. They would be able to ban class C. The other ones are out now, under this proposal.

SENATOR HUMPHREY: In the next to the last executive session of the Executive Departments committee, Senator Pressly or perhaps Senator Hollingworth offered an amendment, which I thought was adopted, which required that any town — it had to do with any further action by the town, was required.

Senator Currier deferred to Senator Pressly.

SENATOR PRESSLY: In answer to your question, one of the major difficulties as I saw and many members of the committee, were that many municipalities have already taken a very strong stand to limit the usage of various types of fireworks within their boundaries. If this should pass in the form of the majority, it would mean that each municipality would have to go back and draft new legislation all over again. It seemed, for many of us, that that placed the responsibility in the wrong place. We should not, as a state Senate, be passing legislation that forces our municipalities to go back to the drawing board and re-create something that they think they already have put into place. That was the reason that we thought it should be the responsibility of the industry to come in and convince a municipality that their product was so great and so safe that the municipality would then say yes, we want you to be available as a product in our town.

SENATOR HUMPHREY: Wasn't your amendment adopted?

SENATOR PRESSLY: That amendment was in the calendar for consideration at the last session, but the whole package was returned to the committee. And that specific portion was not included because if you accept the minority report that would not be needed. If you pass the first amendment, you will be creating that problem. If you vote no to the first amendment and vote yes on the second one, you will not be imposing that added responsibility on the local municipalities.

SENATOR CURRIER: Senator Pressly's statement is a little bit misleading, because the second amendment that was almost acted on last Thursday, but was recommitted back to the committee, bans fireworks sales period. So it doesn't give the local communities options to actually sell fireworks. Her last statement to Senator Humphrey was incorrect.

SENATOR PRESSLY: Senator Currier, technically you are correct. Where I feel there is protection is that the first thing that is going to happen is a study committee. And it has been clear throughout this whole discussion that there is an effort to find what they call safe and sane fireworks. Upon passage of the second amendment, a study committee will be formed and we have between that time and March of 1992 to define the safe and sane and part of that would be the package of the town being able to put in place what they want or what they consider safe and sane. But they haven't defined it. The study committee would define that.

SENATOR HOLLINGWORTH: The original HB 720 came into you after much long work from the department of safety. That bill was brought in because this Legislature, the House and Senate, for the last three years has been trying to close loopholes in the law that allow the sale of fireworks. We know from the communities around us, this was an extremely costly thing for all the communities who had the experience. Costly to the communities because of the fire, police, and EMT's who had to go out constantly to answer the problems because of the sale of fireworks. The House, each time they voted on this, and the Senate, each time they voted on this, thought they were banning fireworks. We never had the problem to the magnitude that we have since we passed this legislation. When HB 720, we thought that would be the end of it, but unfortunately, what we saw happening was the fireworks group come in with their lobbyists, three lobbyists hired full time, to work on this legislation. They brought in an expert from out-of-state, where most of them came from. I think that after all of this is said and done, and you look at what the lobbyists made on the fireworks bill, you will find that they

are the only ones in the state who made any revenue on HB 720 and made the biggest profit. The problem is, the people who are here to protect us, that are paid to protect us, safety and the fire chiefs throughout our state, have worked hard and long on 720. They worked hard to close all the loopholes. And we were bound and determined to stick to 720. But as we sat through the many long days of debate on this, we could see that there was some leaning of the committee to allow what they would consider was safe and sound. After considerable debate among ourselves, we decided that we would check with some of the other states that had so-called "safe and sound". California was one of them. In checking with them, they said they are very sorry that they passed the law, that they are having serious problems with it and, in fact, this year they are banning sparklers because of the problems they have been having. In other states they are having serious problems with it. The Attorney General says it is being totally misused, just as we have in this state because of the loophole in the wholesale. It is being misused, and people who are not supposed to have them are getting them. The problem with the majority's report, it says that the municipalities will allow the sale of fireworks unless they take an action. Barbara is totally correct when she says that it is putting a demand on the communities to take an action to say they won't. It was like saying you would have to have strip joints in your town, or you would have to have tattoo parlors in your town or anything else that to prevent that from happening, you would have to take action. That is not New Hampshire's way and not in the best interest. The wholesale part is particularly wrong, because other states around us view these as illegal, and we are going to ban class C as illegal. But under this bill, proposed by the majority, it would say that it is okay to sell wholesale. That we don't care if something is illegal in our state, we will sell it to make a profit and allow it to go our neighboring states. That would be just like us taking marijuana or another drug that we consider to be illegal and saying okay, we are going to sell it, but, even though that other state classifies it as illegal, we are going to allow the sale of it over the border. That is not right. Senator King mentioned that protection of people to such an extent to protect oneself from being injured. That is not what this bill does, and not what the amendment that the majority is going to bring forth. We would like to protect everybody, but under the laws, right now, you have a bill that says we will ban it unless you are certified to know how to use it. Then, if you know how to use it, then you can go ahead and use fireworks. I feel that the third parties and the second parties are the ones who get injured from fireworks. They are the ones who view, stand in the crowd, or who just happen to live in the community and have to put up with the noise, and the harassment of it or the cost of

it, because they have to have their firemen go out and police to answer the calls. So we are trying to protect ourselves and our communities and our state from those injuries that cost us all money and also from our tourist industry that is being effected because of the loss of revenue because people find it just unpleasant to be in an area where it's havoc and craziness and it is not safe to walk down the streets. I would hope that you would vote down the majority and support the minority on this bill. The people who have worked long and hard on this are listed on this pink sheet in front of you: the New Hampshire Medical Society and on down. You can all read, so I am not going to read them to you. But take a look at that. These are the people who represent New Hampshire and New Hampshire citizens. The people who would have you vote for this majority bill are the people who want to make a quick buck on the backs of New Hampshire citizens and on injuring our citizens and exporting to our neighbors something that is hazardous and dangerous to their health.

SENATOR HUMPHREY: It is kind of a tough call for a lot of people here. Presently, the towns have the option. Under the minority amendment, the towns will have no options. Fireworks are banned. Every kind of class C fireworks, explosive class C fireworks from the smallest to the largest, and even sparklers that are not propelled or do not explode, will be banned. The minority amendment takes every and all latitude away from the towns, unless I misunderstand it, that seems pretty clear. I must say that I don't find the majority amendment all that palatable either, for the reasons that Senator Pressly outlined to so well. Namely, that it requires the town to take an action to ban something. I agree. It ought to be the other way around. Towns, if they wish to allow fireworks, ought to have to take an action in that case. But if they chose to disallow sparkling fireworks, they shouldn't have to take an action. I feel the majority amendment is flawed in that respect, but between the two, just for the record, I think I am going to support the majority amendment, for the reasons that I cited.

SENATOR HOLLINGWORTH: Senator Pressly, since Senator Humphrey brought this up and he wasn't there and he wasn't sure if he was correct, I would like to see if you could answer the question. Under 720, and the study committee, the position of the minority, isn't it true that the fireworks will stay in effect now, that you can continue to use fireworks until March of 1992?

SENATOR PRESSLY: That is correct. The only thing that will happen upon passage is the creation of a formal study committee. If you accept the minority report, any ban would only begin in March of

1992. So what we would have between now, and March of 1992 is what we currently have in law. Nothing will change until 1992 upon the passage of this bill. What you have currently is what you will have until 1992.

SENATOR HOLLINGWORTH: Senator Pressly, I understand that the testimony before the committee for the study committee is that they would have the incentive to get the fireworks people to come and negotiate with us on the position of whether we pass safe and sound fireworks, and if we pass the majority, there would be no incentive for the fireworks group to come and negotiate with us. Is that not true?

SENATOR PRESSLY: That is correct.

SENATOR CURRIER: Senator Hollingworth, if, in fact, nothing is going to happen until March of 1992, why don't we just study it and take the other parts of the amendment out, if nothing is really going to happen until 1992?

SENATOR HOLLINGWORTH: Because under the law, we cannot. It would take another whole year for that to take effect, because if we are changing law that has a penalty, you have to have the law in place for six months. That would mean by the time the study go over and then have to pass the legislation again next year, that would mean we would be another whole year from passing a ban on fireworks. That is precisely why we want it to take place now, because otherwise we would be two years away.

SENATOR CURRIER: So that is presuming nothing is going to change then?

SENATOR HOLLINGWORTH: No, that is not presuming nothing is going to change. You heard testimony from Doug Patch saying that they will work and they have sworn that they will work with the fire people to try to come up with those fireworks that would be safe and sane.

SENATOR COLANTUONO: Under the minority study committee, it says that recommendations for legislation may be introduced on or before November 1, 1991. Would there be any impediment, under the rules, to a bill as a result of that study committee if this bill were to pass?

SENATOR DUPONT: If the question is, would the introduction of a bill be allowed next fall as a result of the actions of the study committee, the answer to that is no. They would be allowed to introduce a bill. We do not have an established deadline for next session, so at this point in time, bills would be allowed to be introduced at least up until November 1.

SENATOR COLANTUONO: I guess my question is directed to the rule that says you can't introduce a bill on the same subject.

SENATOR DUPONT: The rules specifically says if the bill was inexpedient to legislate or interim study or indefinite postponement, then you would not allow the introduction on the same subject matter. This is not interim study. This would be a formal study committee that would go back over to the House for concurrence.

Senator Currier moved the question.

Adopted.

Amendment to HB 720-FN

Amend RSA 160-B:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Class C common fireworks" means Class C common fireworks as defined in 49 CFR sec. 173.100(r), packaged or unpackaged, but not including sparkling devices as defined in RSA 160-B:1, VI-a.

Amend RSA 160-B:1 as inserted by section 2 of the bill by replacing all after paragraph VI with the following:

VII. "Sparkling devices" means those devices including sparklers, related items and those class C common fireworks that do not explode or propel themselves into the air as are approved from time to time by the state fire marshal.

VIII. "Retail" means the sale to any consumer or person not engaged in the business of making sales of fireworks.

IX. "Wholesale" means engaging in the business of making sales to any other person engaged in the business of making sales of fireworks. "Wholesale" shall not include any making of sales to consumers or persons not engaged in the business of making sales of fireworks. To constitute a wholesale sale a sale must be for a minimum amount of \$1,000. This minimum may be increased by the commissioner by rule adopted pursuant to RSA 541-A.

Amend RSA 160-B as inserted by section 2 of the bill by inserting after section 13 the following new sections:

160-B:14 Sparkling Devices. Notwithstanding any other provision of this chapter or any other law, the retail sale and use of sparkling devices as defined in RSA 160-B:1, VII is permitted pursuant to this section, subject only to the following:

I. Any person, firm, partnership, or corporation which desires to sell sparkling devices shall submit a list of such devices it intends to sell to the state fire marshal by January 30 in any year. The fire marshal shall approve or disapprove the sparkling devices on the list no later than March 31 in each year. Those sparkling devices approved by the fire marshal may be sold only by a person, firm, partnership or corporation that:

(a) Has issued to it a federal permit to sell class B fireworks in accordance with Title 18 of the United States Code;

(b) Locates its business in a permanent structure which meets all applicable fire safety codes;

(c) Has not been convicted of a felony, if the felony has not been annulled by a court of record; and

(d) If an individual is at least 21 years of age.

II. Any person, firm, partnership or corporation that sells or offers for sale sparkling devices shall be registered with the local tax collector in accordance with RSA 160-B:17, and shall comply with the provisions of RSA 160-B:17-21.

III. It shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale or sell at retail any sparkling devices which have not been approved by the state fire marshal.

IV. No person shall use sparkling devices on public property or any other property other than his own property without the consent of the owner.

V. It shall be illegal for any person under the age of 18 years to purchase, possess, or use any sparkling devices.

VI. Every seller of sparkling devices shall provide each purchaser with written safety instructions for the safe use of sparkling devices.

VII. A municipality may enact an ordinance banning the retail sale of sparkling devices within its legal boundaries.

VIII. Any person who violates the provisions of this section shall be guilty of a violation.

160-B:15 Public Display of Class C Common Fireworks. Notwithstanding any other provision of this chapter or any other law:

I. Any municipality, fair association, amusement park or other organization may apply for a permit to display class C common fireworks under this section and shall include in the application the name of the person who shall handle the display who shall be a competent operator at least 21 years of age to be approved by the chief officer of the police or fire department, the board of selectmen, or the commissioners of the city, town or village district in which the display is to be held. The display shall be of such a character, and so located, and displayed, as in the opinion of the chief of the fire department or fire ward, after proper inspection, that it shall not be hazardous to property or endanger any person or persons.

II. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The city, town or village district may charge a reasonable fee for a permit to display class C common fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opin-

ion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which said permit is granted so that a fire hazard exists, he may revoke the permit.

III. Class C common fireworks may be sold by any person, firm, partnership or corporation that has a permit issued in accordance with Title 18, United States Code, to any municipality, fair association, amusement park or other organization that has a display permit issued pursuant to this section.

160-B:16 Out-of-State Wholesale Fireworks. Notwithstanding any other provision of this chapter or any other law, the sale of out-of-state wholesale fireworks as defined in this section shall be permitted so long as such fireworks are shipped directly out-of-state, pursuant to a method approved by the United States Department of Transportation for fireworks, and subject only to the following:

I. A sale of out-of-state wholesale fireworks under this section shall be made only by a person, firm, partnership or corporation that holds a permit issued in accordance with Title 18, United States Code; pays an out-of-state wholesale fireworks fee in the sum of \$1,500 per year to the department of safety for deposit into the general fund, and locates its business in a permanent structure that meets all applicable fire safety codes.

II. To constitute a sale of out-of-state wholesale fireworks under this section, the sale must be for a minimum of \$200.

III. The purchaser shall not be a New Hampshire resident, firm, partnership, corporation or other entity, unless such purchaser holds all applicable federal, state and local licenses and permits, and presents copies of such licenses and permits at the time of sale. A sale to a New Hampshire purchaser under this paragraph shall not require shipment out-of-state.

IV. "Out-of-state wholesale fireworks" means class C common fireworks as defined in RSA 160-B:1, III, excluding those consisting of sky rockets having a motor tube less than 3 inches in length (commonly referred to as bottle rockets) and reloadable shells in excess of 1-3/4 inches in diameter.

V. The use of out-of-state wholesale fireworks in New Hampshire is illegal except by a person who has a certificate of competency issued pursuant to RSA 158:9-f in his possession at the time of the display and which has not been revoked or suspended, and a municipal permit to display issued pursuant to RSA 160-B:7 which he has in his possession and which has not been revoked or suspended.

VI. Any person who violates this section shall be guilty of a violation for the first offense and guilty of a misdemeanor for any subsequent offense.

VII. A sale of out-of-state wholesale fireworks under this section shall be accompanied by the following notice: "Notice to Purchaser — The use of out-of-state wholesale fireworks in New Hampshire is illegal, unless you have a certificate of competency and a valid municipal permit. Illegal use of out-of-state wholesale fireworks is a violation for the first offense and a misdemeanor for any subsequent offense. A misdemeanor is punishable by up to one year in jail or a \$1,000 fine, or both."

160-B:17 Registration and Franchise Fee Imposed.

I. Any retailer who sells, or offers for sale, sparkling devices under RSA 160-B:14 in this state shall register with the local tax collector and pay a franchise fee equal to 10 percent of the retail sales of such devices to the local tax collector or his authorized agents.

II. The fee shall be paid to the local tax collector or his authorized agents on or before the fifteenth day of the calendar month following the month in which the devices were sold. If this due date falls on a Saturday, Sunday, or legal holiday, then the fee due under this section shall be received by the local tax collector or his authorized agents no later than the next business day.

160-B:18 Required Records; Examinations. Each retailer shall keep complete and accurate records of all sparkling devices purchased and sold. Such records shall be safely preserved for at least 3 years in a manner which will insure permanency and accessibility for inspection by the local tax collector and his authorized agents. The local tax collector and his authorized agents may examine the books, papers and records of any retailer registered under this chapter for the purpose of determining whether the fee imposed by this chapter has been fully paid.

160-B:19 Additional Fee. If after any examination or inspection pursuant to this chapter, the local tax collector or his agents determine that there is a deficiency with respect to the fee due on the sale of sparkling devices, the local tax collector shall assess the fee due the local political subdivision plus interest at the rate of 12 percent per year. At the time such additional assessment is made, the local tax collector shall give notice of the assessment to the retailer liable and make demand upon him for immediate payment.

160-B:20 Appeal From Decision of Local Tax Collector. Any person aggrieved by a decision of the local tax collector may, within 30 days of final determination of the fee by the local tax collector, appeal the decision by petition to the superior court in the county in which the retailer resides or in the county in which it has a place of business or a resident agent. The superior court shall determine de novo the correctness of the action of the local tax collector.

160-B:21 Violation. Any retailer who fails, neglects or refuses to register or pay any fee assessed against him by this chapter shall be guilty of a violation.

160-B:22 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

Amend the bill by replacing section 5 with the following:

5 Committee Established.

I. There is established a committee to study permitting the sale, possession and display of the portion of class C fireworks commonly referred to as "safe and sane" fireworks. The committee shall consist of the following 11 members:

- (a) Two senators appointed by the senate president.
- (b) Two representatives appointed by the speaker of the house.
- (c) The commissioner of safety or his designee.
- (d) The following members appointed by the governor:
 - (1) One representative of fire service.
 - (2) One representative of local law enforcement.
 - (3) One representative of the medical community.
 - (4) Three representatives of the fireworks industry.

II. The committee shall meet at the call of the senate president within 30 days of the effective date of this section and shall elect a chairman from among its members.

III. The committee members shall serve without compensation, but legislative members shall receive legislative mileage.

IV. The committee shall report its findings and recommendations for further legislation to the senate president, speaker of the house and governor on or before November 1, 1991. Any such recommendation may be introduced as legislation on or before November 1, 1991.

6 Effective Date.

I. Sections 1-4 of this act shall take effect March 1, 1992.

II. Section 5 of this act shall take effect upon its passage.

AMENDED ANALYSIS

The bill permits the sale of out-of-state wholesale fireworks only when such fireworks are shipped directly out of state; when the sale is for a minimum of \$200; and when the person, firm, partnership or corporation making the sale holds an appropriate permit and pays an out-of-state wholesale fireworks fee to the department of safety.

The bill establishes a committee to study permitting the sale, possession and display of the portion of class C fireworks commonly referred to as "safe and sane" fireworks.

This bill prohibits the sale of class C common fireworks and class B fireworks in this state except by a seller who holds federal, state and local permits to a qualified buyer. Any person 18 years of age or older may purchase and display on his own property sparkling devices which have been approved by the state fire marshal. Sellers of sparkling devices must meet certain requirements and pay a franchise fee to the local tax collector.

Under this bill, the chief of police or governing board of a municipality may grant display permits to a municipality, fair association, amusement park or other organization, provided that the person conducting the display holds a certificate of competency and certain other conditions are met. A municipality has the option to vote to completely prohibit the sale and display of fireworks within its boundaries.

The commissioner of safety may issue permits granting exceptions to this chapter to persons who intend to use fireworks for agricultural, railroad, or military purposes, provided that the type of fireworks to be used are designed in such a way as to accomplish the purpose for which the permit is sought.

Question is the adoption of the amendment as offered by the Majority.

A Roll Call was requested by Senator Hollingworth.

Seconded by Senator Cohen.

The following Senators voted yes: Oleson, W. King, Heath, Fraser, Currier, Blaisdell, Bass, Humphrey.

The following Senators voted no: Hough, Disnard, Roberge, Pressly, Nelson, Colantuono, McLane, Podles, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 8

Nays: 15

Majority Amendment Fails.

Ought To Pass With Amendment for the Minority. Senator Pressly for the committee.

SENATOR PRESSLY: I move ought to pass on the amendment. I believe it has been debated sufficiently.

Amendment to HB 720-FN

Amend RSA 160-B:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Class C common fireworks" means class C common fireworks as defined in 49 CFR sec. 173.100(r), packaged and unpackaged.

Amend the bill by replacing section 5 with the following:

5 Committee Established.

I. There is established a committee to study permitting the sale, possession and display of the portion of class C fireworks commonly referred to as "safe and sane" fireworks. The committee shall consist of the following 11 members:

- (a) Two senators appointed by the senate president.
- (b) Two representatives appointed by the speaker of the house.
- (c) The commissioner of safety or his designee.
- (d) The following members appointed by the governor:
 - (1) One representative of fire service.
 - (2) One representative of local law enforcement.
 - (3) One representative of the medical community.
 - (4) Three representatives of the fireworks industry.

II. The committee shall meet at the call of the senate president within 30 days of the effective date of this section and shall elect a chairman from among its members.

III. The committee members shall serve without compensation, but legislative members shall receive legislative mileage.

IV. The committee shall report its findings and recommendations for further legislation to the senate president, speaker of the house and governor on or before November 1, 1991. Any such recommendation may be introduced as legislation on or before November 1, 1991.

6 Effective Date.

I. Sections 1-4 of this act shall take effect March 1, 1992.

II. Section 5 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill prohibits the sale of fireworks in this state except by a seller who holds federal, state and local permits to a buyer who either (1) holds a certificate of competency for display from the department of safety; or (2) is licensed for the storage of class B fireworks by the department of safety; or (3) is a wholesaler, meaning that he is engaged in the business of making sales to another person engaged in the business of making sales of fireworks. Only a person who meets the above requirements to be a buyer or seller may legally possess fireworks in this state.

Under this bill, the chief of police or governing board of a municipality may grant display permits to a municipality, fair association, amusement park or other organization, provided that the person conducting the display holds a certificate of competency and certain other conditions are met. A municipality has the option to vote to completely prohibit the sale and display of fireworks within its boundaries.

The commissioner of safety may issue permits granting exceptions to this chapter to persons who intend to use fireworks for agricultural, railroad, or military purposes, provided that the type of fireworks to be used are designed in such a way as to accomplish the purpose for which the permit is sought.

The bill establishes a committee to study permitting the sale, possession and display of the portion of class C fireworks commonly referred to as "safe and sane" fireworks.

Amendment Adopted.

Ordered To Third Reading.

Senator W. King in favor of HB 720-FN.

HB 736-FN, an act relative to energy facility siting, licensing and operation. Executive Departments committee. Ought To Pass With Amendment. Senator W. King for the committee.

SENATOR W. KING: HB 736 sets up a policy for the siting of energy facilities. It brings in all of the different agencies on to a facilities committee and gives them all input into it. This bill is the result of a long study that occurred the course of the last year. Senator Dupont participated. Representative Rodeschin participated. I participated. All of the varying interests are satisfied with the final outcome of this bill and our committee urges your adoption of it.

SENATOR SHAHEEN: Senator King, I heard what you said about all the concerned parties being satisfied with the bill, but I understand there were still some issues and questions that people were not totally happy with. My question to you is, is there a reason why we are hurrying to get this bill passed? Are there any facilities that we expect to be looking for licensing in the near future? I guess I would like you to address why the timing of this now, and the concern to get it done so quickly?

SENATOR W. KING: Senator Shaheen, the answer to that question is I don't know. I don't know whether there are any facilities that are planning on trying to get siting in the near future. This is a process that has gone on now about three years, of studying the issue and trying to figure out how it is you make the decisions about siting these sorts of facilities. Yes, before our last subcommittee meeting, there were a whole number of specific questions and concerns. An individual outlined all of those questions and concerns including the name of the individual who had raised them on a piece of paper. We went through them one at a time, and each one of them, I was satisfied, and as far as I know, all the individuals who raised them were satisfied that the final outcome was something they could live with.

Amendment to HB 736-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Energy Facilities. RSA 162-H is repealed and reenacted to read as follows:

CHAPTER 162-H**ENERGY FACILITY EVALUATION, SITING,
CONSTRUCTION AND OPERATION****162-H:1 Declaration of Purpose.**

I. The legislature recognizes that the selection of sites for energy facilities will have a significant impact upon the welfare of the population, the economic growth of the state and the environment of the state. The legislature, accordingly, finds that the public interest requires that it is essential to maintain a balance between the environment and the possible need for new energy facilities in New Hampshire; that undue delay in construction of any needed facilities be avoided; that operation of the facility be consistent with the state's least cost energy policy; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic and technical issues are resolved in an integrated fashion. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities. The legislature also recognizes that it has a broad responsibility to provide both economic and environmental protection for its coastal and estuarine waters and the adjoining land areas. The legislature therefore declares it to be its policy that any offshore facility, other than pipelines, shall be located so as to at least comply with the policies and guidelines of the Federal Environmental Protection Agency; and that this policy may be relaxed only if it is shown by clear and convincing evidence that there are compelling technological or economic reasons for doing so, that no feasible alternative exists, and that there will be no substantial environmental risk.

II. The legislature also finds that the present and predicted growth in electric power demands in the state of New Hampshire requires the development of a procedure for the selection and utilization of sites for generating facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites and the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The legislature, accordingly, finds

that the public interest requires that it is essential to maintain a balance between the environment and the need for new power sources; that operation of the facility be consistent with the state's least cost energy policy; that electric power supplies must be constructed on a timely basis; that in order to avoid undue delay in construction of needed facilities and to provide full and timely consideration of environmental consequences, all electric entities in the state should be required to engage in adequate long-range planning and provide full and complete disclosure to the public of such plans; that a certifying body be established for the preconstruction review of bulk power supply facilities; that the siting of bulk power plants and high voltage transmission lines should be treated as a significant aspect of land-use planning in which all environmental, economic and technical issues should be resolved in an integrated fashion, so as to assure the state an adequate and reliable supply of electric power in conformance with sound environmental utilization. The legislature, therefore, hereby establishes a procedure for the planning, siting, and construction of bulk power supply facilities.

162-H:2 Definitions.

I. "Acceptance" means a determination by the committee that it finds that the application is complete and ready for consideration.

II. "Bulk power supply facilities" means:

(a) Electric generating station equipment and associated facilities designed for or capable of operation at any capacity of 30 megawatts or more, or electric generating station equipment and associated equipment which the applicant or 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines in accordance with RSA 162-H:1, should require a certificate.

(b) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility outlined in subparagraph (a), over a route not already occupied by a transmission line or lines.

(c) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line, or an electric transmission line which the applicant or 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines in accordance with RSA 162-H:1, should require a certificate.

III. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for

public recreational uses, or necessary borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

IV. "Commission" means the New Hampshire public utilities commission.

V. "Committee" means the site evaluation committee established by this chapter.

VI. "Energy" means power, including mechanical power or useful heat, derived from any resource, including, but not limited to, oil, coal, and gas.

VII. "Energy facility" means any industrial structure, other than bulk power supply facilities, as defined in paragraph II, that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion and onshore and offshore loading and unloading facilities for energy sources. Energy facility shall also include energy transmission pipelines, storage tanks, or any other facility which the applicant or 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines, in accordance with RSA 162-H:1, requires a certificate.

VIII. "Filing" means the date at which the application is first submitted to the committee.

IX. "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

X. The words "public utility" or "utility" mean any electric utility engaged in the production, distribution, sale, delivery or furnishing of electricity, including municipalities, cooperatives, regulated electric companies, agencies or any combination thereof.

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities.

(b) A petition endorsed by 100 or more registered voters from abutting communities.

(c) A petition endorsed by the board of selectmen of the host community or two or more boards of selectmen of abutting communities.

(d) A petition filed by the potential applicant.

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services, the director of the division of water supply and pollution control, the commissioner of the department of resources and economic development, the director of the division of public health services, the executive director of the fish and game department, the director of the office of state planning, the director of the division of water resources, the director of the division of parks and recreation, the director of forests and lands, the director of the division of air resources, the director of the governor's energy office, the commissioner of the department of transportation, and the commissioners and chief engineer of the public utilities commission. The commissioner of the department of environmental services shall be chairman of the committee, and the chairman of the public utilities commission shall be vice-chairman. Notwithstanding any other agency authority to the contrary, no member may delegate a voting right to others.

162-H:4 Powers of the Committee.

I. The committee shall:

(a) Issue any certificate under this chapter in the case of an energy facility, or forward its findings to the commission in the case of a bulk power supply facility.

(b) Determine the terms and conditions of any certificate or findings issued under this chapter, subject to RSA 162-H:10.

(c) Monitor the construction and operation of any energy or bulk power facility granted a certificate under this chapter.

(d) Enforce the terms and conditions of any certificate issued under this chapter.

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate.

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to such state agency or official represented on the committee as it deems appropriate, but, subject to RSA 162-H:10, it may not delegate authority to hold hearings, issue certificates, determine the terms and conditions of a certificate, or enforce a certificate. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the

certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

IV. In cases where the committee determines that other existing statutes provide adequate protection of the objectives of RSA 162-H:1, the committee may, within 60 days of filing of the application, exempt the applicant from the approval and certificate provisions of this chapter, provided that the following requirements are met:

(a) Existing state statutes, state agency rules or municipal ordinances provide adequate protection of the objectives of RSA 162-H:1;

(b) A review of the application reveals that consideration of the application by only selected agencies represented on the committee is required and that the objectives of RSA 162-H:1 can be met by those agencies without exercising the provisions of RSA 162-H;

(c) Response to the application from the general public indicates that the objectives of RSA 162-H:1 are met through the individual review processes of the participating agencies; and

(d) All environmental impacts or effects are adequately regulated by other federal, state or local statutes, rules or ordinances.

162-H:5 Prohibitions and Restrictions.

I. No person shall commence to construct any bulk power or energy facility within the state unless it has obtained a certificate pursuant to this chapter. Such facilities shall be constructed, operated and maintained in accordance with the terms of the certificate. Such certificates are required for sizeable additions to existing facilities. Such a certificate shall not be transferred or assigned without approval of the committee.

II. Facilities certified pursuant to RSA 162-F or RSA 162-H prior to January 1, 1992, shall be subject to the provisions of those chapters; however, sizable changes or additions to such facilities shall be certified pursuant to this chapter.

III. The applications shall be governed by the applicable laws, rules and regulations of the agencies and shall be subject to the provisions of RSA 162-F or RSA 162-H in effect on the date of filing. Notwithstanding the foregoing, an applicant may request the site evaluation committee to assume jurisdiction and in the event that the site evaluation committee agrees to assert jurisdiction, the facility shall be subject to the provisions of this chapter.

162-H:6 Time Frames.

I. Upon the filing of an application, the committee shall expeditiously forward to each of the other state agencies having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, a copy of such

parts of the application as are relevant to its jurisdiction. Upon the filing of the copy, each of the other state agencies shall conduct a preliminary review as described in RSA 162-H:7, III.

II. Upon the filing of an application, the committee shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of this chapter. The committee shall require as much information as it deems necessary to accompany the application.

III. The committee shall decide whether or not to accept the application within 60 days of filing.

IV. Within 30 days after acceptance of the application, the committee shall hold at least one public hearing in each county in which the proposed facility is to be located.

V. All participating state agencies shall report their progress to the committee within 5 months of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision.

VI. Any state agency having jurisdiction under RSA 162-H:7 shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction, no later than 8 months after the application has been accepted.

VII. Within 9 months of the acceptance of an application, the committee shall either:

(a) Issue or deny a certificate for an energy facility, or

(b) Send its findings to the commission for a certificate for a bulk power facility. The commission shall either issue or deny that certificate within 10 months of the acceptance of the application.

162-H:7 Application for Certificate.

I. All applications for a certificate for a bulk power supply facility shall be filed with the commission in sufficient quantities for each reviewing agency. Such applications may be subject to reasonable minor modification during the period of review. Applications shall include completed application forms from each individual agency. As a prerequisite to filing, except for good cause shown, as determined by the committee, an electric utility shall comply with the provisions of RSA 162-H:17; and power plants and transmission line routes, except for good cause shown, as determined by the committee, shall comply with the requirement that the site selected is from among those sites in the electric utility's 5 year inventory of sites approved by the committee and that it will utilize the general transmission line routes identified in its long range plans.

II. All applications for a certificate for an energy facility shall be filed with the chairman of the site evaluation committee. Applications shall include each individual agency's completed application forms.

III. Upon filing of an application, the committee shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information in accordance with this section. If the application does not contain such sufficient information, the committee shall, in writing, expeditiously notify the applicant of that fact and specify what information the applicant must supply.

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms. Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having jurisdiction. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having jurisdiction, that agency shall, in writing, notify the committee of that fact and specify what information the applicant must supply; thereupon the committee shall provide the applicant with a copy of such notification and specification. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having jurisdiction if the applicant is seasonably notified that it has not supplied sufficient information for any of the state agencies having jurisdiction in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the preferred choice and any other choices for the site of each major part of the proposed facility.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.

(g) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The committee shall decide whether or not to accept the application within 60 days of filing. If the committee rejects the application, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VII. Notwithstanding any other provision of law, the application shall be in lieu of separate applications that may be required by any other state agencies.

VIII. This chapter shall not preclude an agency from imposing its usual statutory fees.

IX. The applicant shall immediately inform the committee of any substantive modification to its application.

162-H:8 Disclosure of Ownership. Any application for a certificate shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association, or corporation.

II. If an association, the names and residences of the members of the association.

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

IV. The location or locations where an applicant is to conduct its business.

V. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

162-H:9 Counsel for the Public.

I. Upon notification that an application for a certificate has been filed with the committee in accordance with RSA 162-H:7, the attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel shall represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy. The counsel shall be accorded all the rights and privileges, and responsibilities of an attorney representing a party in formal action and shall serve until the decision to issue or deny a certificate is final.

II. This section shall not be construed to prevent any person from being heard or represented by counsel; provided, however, the committee may compel consolidation of representation for such persons as have, in the committee's reasonable judgment, substantially identical interests.

162-H:10 Public Hearing; Studies; Rules.

I. Within 30 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee and, if a bulk power supply facility application, the commission, shall hold at least one joint public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 21 days before said hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. The public hearings shall be joint hearings, with representatives of the other agencies that have jurisdiction over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. The hearings shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public. Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. Except for informational hearings, subsequent hearings shall be in the nature of adversary proceedings and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session.

III. The site evaluation committee and, if a bulk power supply facility application, the commission, shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings. The committee and the commission shall grant free access to records and reports in its files to members of the public during normal working hours and shall permit copies of such records and reports to be made by interested members of the public at their expense.

IV. The site evaluation committee and, if a bulk power supply facility application, the commission, shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and counsel for the public and, if a bulk power supply facility application, the commission, shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee in the case of an energy facility, or the committee and the commission in the case of a bulk power supply facility. The site evaluation committee, the commission, and counsel for the public, as provided for by RSA 162-H:9, are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

VI. The site evaluation committee and, if a bulk power supply facility application, the commission, shall jointly issue such rules, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

162-H:11 Judicial Review. Decisions made pursuant to this chapter shall be reviewable in accordance with RSA 541.

162-H:12 Enforcement.

I. Whenever the committee determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

II. The committee may suspend a person's certificate if the committee determines that the person has made a material misrepresentation in the application or, in the supplemental or additional statements of fact or studies required of the applicant, or if the committee determines that the person has violated the provisions of this chapter or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

III. The committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings and correspondence of the committee shall be maintained, all of which records shall be open to the public inspection as provided for under RSA 91-A.

162-H:14 Temporary Suspension of Deliberations.

I. If the site evaluation committee at any time during its deliberations relative to an application for a certificate deems it to be in the public interest, it may temporarily suspend its deliberations and time frame established under RSA 162-H:6.

II. The committee may temporarily suspend its deliberations and request the commission to exercise its duties under this chapter. After deliberations have been suspended and the commission finds that the requirements of this chapter have been met and so notifies the site evaluation committee, the committee shall resume its deliberations under this chapter.

162-H:15 Informational Meetings. Upon request of a community in which the proposed facility is to be located, or upon request of the committee, the applicant shall provide informational meetings to inform the public of the proposed project.

162-H:16 Findings.

I. The committee shall incorporate in any certificate or findings issued hereunder such terms and conditions as may be specified to the committee by any of the other state agencies having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the other state agencies deny authorization for the proposed activity over which it has jurisdiction. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency. Notwithstanding any other provision of law, each of the other state agencies shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction no later than 8 months after acceptance of the application. Notwithstanding any other provision of this section or this chapter, each of the other state agencies shall retain all of their powers and duties of enforcement.

II. Findings by the site evaluation committee shall be based on the record and shall be made by a majority vote of a full committee whether or not the full committee is present for voting. A majority vote of the site evaluation committee shall be conclusive on all questions of siting, land use, air and water quality.

III. The committee and, in the case of a bulk power certificate, the commission may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. In the case of energy and bulk power facilities, the site evaluation committee, after having considered available alternatives and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the certificate, must find that the site and facility:

(a) Applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) Will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) Operation is consistent with the state energy policy established in RSA 378:37.

V. In the case of bulk power supply facilities, the commission shall issue or deny a certificate of site and facility. The commission shall issue a certificate only after it has reasonable assurance that all applicable state standards and requirements shall be met by the applicant. The commission shall incorporate in its certificate such lawful terms as may be supplied to it by the site evaluation committee and those state agencies having permit or license granting responsibilities under state law. The commission shall be bound by the findings of the site evaluation committee under paragraph I. In its decision the commission must find the construction of the facility:

(a) Is required to meet the present and future need for electricity. A finding that the construction of the facility is required to meet the present and future need for electricity may be based upon a determination of need for capacity to generate electricity, need for a greater supply of electricity, or need for more economic, reliable, or otherwise improved sources of either capacity or energy. The commission shall consider economic factors and the current integrated least cost resource plans filed with the commission pursuant to RSA 378:38 when considering whether or not the facility will meet the present or future needs for electricity.

(b) Will not adversely affect system stability and reliability factors.

VI. A certificate of site and facility may contain such reasonable terms and conditions as the committee deems necessary and may provide for such reasonable monitoring procedures as may be necessary. Such certificates, when issued shall be final and subject only to judicial review.

VII. The committee may condition the certificate upon the results of required federal and state agency studies whose study period exceeds the application period.

162-H:17 Bulk Power Facility Plans. Each utility shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the public utilities commission. Such guidelines shall be approved by the site evaluation committee which may make such modifications as it may deem necessary within the purposes of this chapter. These plans may be part of a regional plan and shall:

I. Describe the general location, size and type of all bulk power supply facilities to be owned or operated by the utility and whose construction is projected to commence during the ensuing 10 years or longer, but not to exceed a total of 15 years, as the commission may determine to be necessary, together with an identification of all existing facilities to be removed from utility serviced through such period or upon completion of construction of the bulk power supply facilities.

II. Identify the location of tentative sites for the construction of future power plants as defined in RSA 162-H:2 including an inventory of sites for all plants on which construction may be commenced in the succeeding 5 years, and the general location of the routes of transmission lines as defined in RSA 162-H:2 and indicate the relationship of the planned sites, routes, and facilities thereon to the environment, and describe generally how potential adverse effects will be lessened.

III. Reflect and describe such utility's efforts to involve environmental protection and land-use planning agencies in their planning process so as to identify environmental problems at the earliest possible stage.

IV. Supply additional information as the site evaluation committee, upon the advice of interested state and federal agencies, may from time to time prescribe to carry out the purposes of this chapter.

V. Document the role of proposed facility construction and closings within the utility's current integrated least cost resource plan.

VI. Each utility shall give initial public notice of its plans referred to in paragraph I, by annually filing a copy of the plans, with projections of demand for electricity that the facilities would meet, with the public utilities commission and with such other affected state and local governmental authorities and citizens' environmental protection and resource planning groups requesting such plans.

162-H:18 Review; Hearing. Upon receipt of plans referred to in RSA 162-H:17, the public utilities commission shall notify the site evaluation committee which shall:

I. Review and comment on the long-range plans and make information contained therein readily available to the general public and interested state and local governmental entities.

II. Compile and publish a description of the proposed power plant sites and general locations of transmission line routes within the state as identified in the long-range plans, identifying the location of such sites and the possible year when construction is expected to commence, and to make such information readily available to the public, to newspapers regularly circulated within the area affected by the proposed site, and to interested state and local governmental entities. The duties imposed by this paragraph may be delegated to the public utilities commission, and all documents filed under this chapter shall be held in the offices of the public utilities commission.

162-H:19 Penalties.

I. The superior court in term time or in vacation, may enjoin any act in violation of this chapter.

II. Any construction or operation of bulk power supply or energy facilities in violation of this chapter, or in material violation of the terms of a certificate issued under this chapter, may result in an assessment by the superior court of civil damages not to exceed \$10,000 for each day in violation.

III. Whoever commits any willful violation of any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

162-H:20 Severability. If any provision of this chapter, or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end, the provisions of this chapter are severable.

2 Declaration of Purpose; Decommissioning. RSA 162-F:1 is repealed and reenacted to read as follows:

162-F:1 Decommissioning. The legislature recognizes that in order to ensure the safety and well-being of the public and of future generations, a costly and comprehensive decommissioning procedure is necessary at the end of the useful or serviceable life of nuclear electric generating facilities. Because the costs are substantial and because these costs are the direct and predictable result of operating such a facility and should not have to be borne by the state, it is found to be in the public interest to require that adequate fiscal responsibility be established to ensure proper and safe decommissioning and subsequent surveillance of nuclear reactor sites to the extent necessary to prevent such sites from constituting a hazard to future generations. The legislature, therefore, hereby establishes a

procedure which will provide assurance of adequate funding by utilities for the decommissioning of those nuclear electric generating facilities which complete their anticipated energy-producing lives.

3 Repeal. RSA 162-F:2-13, relative to electric power plant, transmission siting and construction procedure, are repealed.

4 Effective Date. This act shall take effect January 1, 1992.

Amendment Adopted.

Ordered To Third Reading.

HB 757-FN, an act repealing the law relative to employment offices. Executive Departments committee. Ought To Pass With Amendment. Senator Fraser for the committee.

SENATOR FRASER: HB 757 eliminates from our law a law that was adopted in the year 1901. It eliminates the necessity of cities and towns from granting licenses to private employment services such as Manpower. All the testimony was in favor of the bill. The testimony from the cities was that the entire practice was nothing more than a nuisance. The \$10.00 charge assessed didn't cover the cost of issuing the license, and we urge adoption of the committee report.

Amendment to HB 757-FN

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 274:7 relative to notice to department of security of issue of license, is repealed.

AMENDED ANALYSIS

This bill repeals the law requiring the city or town clerk to send a record of all licenses granted to the New Hampshire department of employment security.

Amendment Adopted.

Ordered To Third Reading.

Recess.

Senator Russman in the chair.

HB 391, an act to permit the adoption of impact fees as part of a zoning ordinance. Executive Departments. Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CARRIER: The amendment that the Executive Departments committee is recommending is on page 7 of the calendar. A lot of work over the last four years has gone into the development

of impact fee legislation. There has been a lot of discussion as to what the need for this legislation is. Because, in fact, some communities today charge impact fees. Part of the problem in those communities that do charge impact fees, there is really no level playing field with regards to how a developer would be treated in one community as opposed to another. The amendment deals with a lot of specifics. There has been a lot of give and take on the part of a lot of parties. The Home Builders are not in agreement with them, and I understand, will provide a floor amendment to this bill, which I would hope the full Senate would not take any serious action on. One of the compromises, and I hate to use the word compromise, but it was basically language changes with regard to specifics in the bill. There was a lot of give and take on the part of the Municipal Association, the Associated General Contractors who now support this version of the bill. One of the major portions of the bill is dealing with the scope of what impact fees could be charged for. One of the concessions made by the municipalities was that in the scope of the bill dealing with what impact fees could be charged for and one stage of the bill had it "but not limited to" which is a common phrase in legislation to give an example of the types of things we can charge impact fees to. The concession was the wording "limited to water treatment facilities, distribution facilities" and others. I think the key factor here is that it is breaking it down to specifics in terms of actual public safety facilities and other municipal facilities. In other legislation that had been attempted to be adopted over the period of the last three years, it has always had a stumbling block in the Senate, there has been specific reference to police cruisers and fire trucks and so forth. This bill specifically limits to municipal facilities, including public schools, public processing and disposal facilities, public libraries, and public recreation facilities but does not include public open space. And all impact fee ordinances adopted under the provision of this new statute, and I want to point out that this is basically enabling legislation. It doesn't have a lot of the nuts and bolts that a previous bill that failed last session had. This is basically enabling legislation which would allow the towns, after the adoption of an ordinance, to impose impact fees. Some will say that now is not the time. Well, damn it, now is not the time is the excuse last time. Now is the time. Our Governor, and the Senate and the House are talking about cutting revenue sharing to the tune of \$17,000,000. That is going on to the local property tax. When development, in fact, incurs additional costs to that community, the cities and towns should be allowed to pass that on in terms of an impact fee to that local development. The language is very specific dealing with how the impact fee is to be imposed. It says that the proportional share of the municipal capital improvement costs, which is reasonably re-

lated to the project is what they can charge. That will obviously have to be documented. I feel really good about this bill, I guess because I have been working on it so long. I think we have come really close to some of the other schemes. There is also a waiver proposal, which was a recommendation on the part of the home builders, that allows the town to waive impact fees in a particular case, if it is a significant benefit to the community. Although, I would assume that those types of projects where a waiver might be in place, would not be in a residential development, but rather on a commercial development that would create jobs for a community. I think I have covered all of the points relative to the bill. There is one other critical point, relative to capital improvement programs that says specifically you have to have a capital improvement in place in order to enact the ordinance in the community. There are a couple of other things that developed as a result of discussions, where communities had moratoriums in place, and were using the moratoriums to try to stifle growth. There is a specific provision in this current amendment that specifically prohibits a community that has adopted impact fees and charges impact fees from charging additional impact fees or from not allowing that builder to go forward with that particular development. I don't want to cite any specific communities but there have been a number that were referenced during committee testimony and other discussions that are using a moratorium to control growth and to stop growth. That would be strictly prohibited under this provision, which is a benefit to the developer. I don't wish to prolong the discussion on this measure. But I would urge my colleagues to vote this ought to pass with amendment report.

SENATOR NELSON: Senator Currier, I believe I heard you say cities and towns should be able to pass these costs on to the developer. I didn't hear the last part of the sentence. I did hear you say that cities and towns shall be able to pass these costs on — to whom?

SENATOR CURRIER: What my specific reference was is that in a capital improvement plan, when a developer comes in to a community with a 250 house subdivision, and there is a direct relationship to the expansion of a school or other municipal facilities that the towns, through impact fees, should be able to charge a fee that is proportionate to municipal capital improvements on that particular project. That is what I am saying about passing on the cost. You are basically passing on the cost or the impact of that cost, to the developer.

SENATOR NELSON: Senator Currier, when the municipality passes the cost on to the developer, do you think it is going to stop there, or is the cost going to go on to the consumer like everything else does, and the price of the home or whatever it is goes up higher?

SENATOR CURRIER: Yes, you are absolutely correct. I don't think for one minute that the developer is going to absorb that. But I would assume that it is going to be proportionate to what the market will bear. It is market driven, the costs of these houses. Their profit may be down.

SENATOR NELSON: Given the state of the economy in the building trades, not only in the state, but in the region and even across the United States, is this the time to be passing on a cost to the poor people in the state who can't afford it?

SENATOR CURRIER: This is the best time than ever to pass this bill. Because if we really were dealing with the question about affordable housing, Senator, we should be dealing with that on another bill. This isn't an affordable housing bill.

SENATOR NELSON: I am not talking about affordable housing. But is it the zoning board who will decide this assessment based on the capital plan? And isn't the zoning board not even an elected body, representing the people, but some appointed body?

SENATOR CURRIER: Senator, I think you will find in the state of New Hampshire that there are as many elected zoning boards as there are appointed. So it depends on the structure that the local municipality has as to whether it is elected or appointed. But, yes, the local zoning board has the authority, when they enact the ordinance to impose it.

SENATOR W. KING: This is a bad idea that I have to support. It is a bad idea because it is not good for the economy right now. And at the worst possible time. But the state of New Hampshire refuses to take responsibility for infrastructure development and I think it should. And it refuses to do that because we refused to take a serious look at the tax structure of the state of New Hampshire. We heard, and we all saw in the newspapers, from the corporation for enterprise development, where they said that one of the reasons that New Hampshire got a poor rating in terms of its economic development policy was that our infrastructure development was poor. Our infrastructure development is poor, because we rely on cities and towns to do it. And on top of that the Governor decides that he is going to pass \$17,000,000 more down to those communities. This bill, I am afraid to say, is going to exacerbate the difference in infrastructure development between rich towns and poor towns. But we really don't have any choice here, I don't think. We are either going to drive property taxpayers out of the state of New Hampshire or we are going to give communities a tool so they can at least stabilize those property taxes. But I think we all have to know what it is we are

doing. Make no mistake about it. We are going to be increasing the cost of housing with this bill. We are going to be increasing the cost of job production.

SENATOR HEATH: Senator King, you just mentioned that it would increase the cost of housing. And you said it was a bad idea. And you said it really was a substitute for some revision of our tax structure. Are you implying through those statements, collectively, that this is sort of a hidden property tax, like points on a loan from a bank?

SENATOR W. KING: I think it is certainly a pass through cost to housing consumers. And it is certainly a pass through cost to business development. But I don't think it is a hidden property tax. In fact, what in fact you will be doing is, I think, helping to stabilize property taxes by allowing these fees to be assessed. But the one assumption that you make is that there is going to be economic growth in that town. I think to some degree, what you will see happening is that the differences between those towns that are wealthy and those towns that are poor in the state will be exacerbated by allowing the assessment of impact fees. But I don't think we have any choice here. I think people are being driven out of their homes by the property taxes. Unfortunately, most of them who are driven out, can't sell their homes, because the market is so awful.

SENATOR HEATH: But would you agree that the tax policy of the state of New Hampshire is driven by the people of the state of New Hampshire through their elected representatives and through their votes in their town government where they are the representative body and they have spoken towards the kind of tax structure that we have and that this is a back door way of doing something that they apparently have collectively joined together not to do?

SENATOR W. KING: Senator Heath, we could debate all day whether or not the last election was a referendum on taxes. I think half of the people in this body, if it were a referendum on taxes, would be here and the other half might not. Who knows? I don't believe that you can say that. In fact, I feel that the bulk of the people in New Hampshire feel that the system is broken and needs to be fixed, but that is not what we are talking about here. We are talking about whether we should allow communities to assess impact fees. I say it is a bad idea whose time has come.

SENATOR HEATH: Senator Currier, do you believe that there will again be a howl and cry from some of these same folks who support these impact fees for affordable housing and that there is a little hypocrisy built into this? Do you believe that?

SENATOR CURRIER: No, I don't believe that.

SENATOR HEATH: Why don't you?

SENATOR CURRIER: Because I think impact fees are being charged now. The bill is needed because every time somebody gets into a so called blank contest with the cities and towns we wind up in court. If everybody knows the rules from the start, then everybody is working from the same playing field. That is the point here. It is enabling legislation. It is not clear now. We have to go the Supreme Court now to get a decision as to whether it is, and the Supreme Court has been ruling in the favor of the communities with regard to impact fees.

SENATOR HEATH: If I own a lot in a town that has impact fees, and go to build a house, will I be assessed impact fees of one person building one house?

SENATOR CURRIER: Depending on how the ordinance was adopted in each community. I would doubt that you would, no more than Senator Podles if she adds a two car garage or a porch would she be added an impact fee.

SENATOR HEATH: Then, wouldn't that raise the question of inequality under the law, of equal protection. If a person does two houses or four houses, they are subject to this, but if they do one or an addition, they do not by percentile?

SENATOR CURRIER: I think the key point is the amount of any such fee shall be a proportional share to the municipal capital. If your porch or your house is going to impact that community, then yes, you should pay an impact fee. But if it isn't, then it won't.

SENATOR HEATH: If I add a bedroom on to my house, it allows that house to house a large family potentially. Why then, wouldn't that trigger an impact fee?

SENATOR CURRIER: Because if they had a school or a public library or a waste water treatment facility that was only at a fifty percent capacity, that one bedroom doesn't haven't an impact on that community in relationship to its capital improvements program.

SENATOR OLESON: Senator King, even though the defeat of this bill might help the ones who might acquire property but more important, will the passage of this bill help our poor keep their property?

SENATOR W. KING: Senator Oleson, I think the answer to that is yes. I think it will help to stabilize property taxes which are unfair to those who are lower or middle income in this state.

SENATOR NELSON: Senator King, I would like to follow up on Senator Oleson's question. Could you be more specific as to how this bill is going to help the poor of New Hampshire?

SENATOR W. KING: What I said, Senator Nelson, is that it will help to stabilize property taxes, because it will allow towns to assess development for the impact that it has on the infrastructure of that town. Let me give you an example. If a large development comes into the town of Rumney, where I happen to live, and adds 30 new kids to the school system, but pays no impact fees that has a tremendous effect on our budget. That will increase our school budget by at least 30 percent. And yet, the townspeople would have to pay for that. What this will do, will be to allow the town, if it has a capital development plan, to assess a fee relative to the specific impact that the development will have on the town.

SENATOR NELSON: Senator Currier has indicated that, in fact, some towns and cities in the state are presently charging impact fees. He has also indicated that the Supreme Court is supporting these decisions. I would then ask you why is it necessary for us to be up here putting in legislation, when we know it has been done, when towns and cities can do it in some instances, and the Supreme Court is ruling in that direction. Why do we need this? I want to know, when any city and town can do anything they want, so there is no consistency in any city or town on anybody who wants to do anything in their town.

SENATOR W. KING: Senator Nelson, that is exactly the problem. There is the perception that every city and town in the state of New Hampshire can do anything that they want. The net result of that is in a town like Laconia, there was a specific development that was assessed impact fees for school building in a section of town where the kids didn't go to school. What this bill is trying to do is lay down the rules for impact fees so that everybody is playing on a level playing field. Every developer knows when he goes into a town, what is a reasonable impact fee and what is not a reasonable fee. A business would know likewise, because of the statute that is on the books.

SENATOR NELSON: Senator King, how is one going to determine that the builder knows what is reasonable? What recourse does a builder have when a zoning board, which in many instances in the state of New Hampshire, isn't even elected, it is a politically appointed body? What recourse does an individual have with the zoning board, to know if it is not reasonable? Who is going to determine this reasonability throughout the state?

SENATOR W. KING: I guess what I am saying, Senator Nelson, is that to some degree these things will . . . This is not guaranteed to answer every question that has arisen over impact fees. What it is guaranteed to do is to prevent all of the court cases that are going to have to go to the Supreme Court now, because nobody knows what the rules are.

SENATOR PRESSLY: Senator King, as I listen to all of this heated debate, I am struck by one thought. It has been my impression that this legislation is strictly enabling legislation. It is enabling each community to adopt this, if they chose to. Could it almost be called a home rule legislation?

SENATOR W. KING: It certainly is to a large extent, a home rule piece of legislation. However, I would point out that we have very carefully crafted it so that cities and towns have to live within certain guidelines. So that they don't overcharge developers and so they don't decide they are going to charge a residential community in one spot for a school that is being built in another section of town.

SENATOR PRESSLY: Is it fair to say then, that this legislation is enabling, allowing municipalities, if they choose to and if they do choose to, to do it within a certain frame of reference that is understandable and reasonable to all?

SENATOR W. KING: Yes.

SENATOR HEATH: Senator King, since you are a proponent of this bill that you find, admittedly, bad, I want to explore your economic theory a little bit further. You are familiar with the term "economy of scale". If you had a single person living alone, and having to cut their frozen food packages in half and so on, if that family suddenly expanded to seven people, the cost per individual meal would be reduced, would it not, in an economy of scale?

SENATOR W. KING: That is correct, if you bought in bulk as a result.

SENATOR HEATH: Why then, with all these houses that move in under a developmental plan in a town, are going to be paying taxes, are they not?

SENATOR W. KING: Correct.

SENATOR HEATH: Why wouldn't that then add to the pot where one policeman can watch ten houses, or he can watch fifteen houses, one fire department can protect 100 houses or 110 houses, one road can serve two houses or fourteen houses? Why wouldn't the larger the town, the economy of scale bring down the property tax per

individual home and so why wouldn't it be a benefit to have large developments in a town, given the economy of scale, rather than a negative so that you had to put a surcharge on them to prevent them from coming in?

SENATOR W. KING: Senator Heath, I think to a large degree the answer to that depends on the kind of development that is taking place. And what exactly it is that you are charging impact fees on. To begin with, if you have an elderly housing facility, in a town, the impact on a school system is negligible, if not nothing in that facility. However, there is certainly for every unit that is built, you are adding an additional car to the road there and I would assert that scientifically you can say that each car you add to the road has a specific net effect on that road. It is not like saying a police officer can cover a hundred and ten houses as easily as a hundred houses. So I don't think that there is any scientific or econometric argument that we can pin down on this particular issue. I think it will largely depend on what kind of development is proposed. I would hope that communities would take that kind of thing into account in a very serious manner, but more than that I would hope communities would recognize the economics of the times right now, and not assess impact fees right now, because we want to encourage growth.

SENATOR HEATH: Do you think, Senator King, that the real reason the economy of scale argument evaporates for people who know it holds a great deal of validity, is because the impact fees is really a hidden agenda to stop growth in the state of New Hampshire?

SENATOR W. KING: I couldn't tell you what the Governor's hidden agenda was. I suppose to some degree that might be part of his agenda. That is not the agenda of those of us who are supporting this. Those of us who are supporting this, in this body at any rate, are concerned about what has happened to property taxes in the state of New Hampshire. And we see this as one additional tool that can be used to provide some stability to those property taxes. Now, I know, Senator Heath, that the property taxes in Sandwich are fairly reasonable. But if you were to move to Rumney or to Lisbon or some of the other towns in the state of New Hampshire, you might find that it is a problem.

SENATOR HEATH: Senator King, would you believe the reason that they are reasonable in Sandwich is that we don't vote for every piece of foolish idea that comes along. We control our own property taxes as a town, as each town population does.

SENATOR W. KING: Senator Heath, I believe that most towns do everything they can to take a reasonable and frugal approach to their budgets, and there are many factors, not the least of which is

the recent suggestion of \$17,000,000 additional spending being passed down to communities in our budget that have the ultimate effect on them.

SENATOR PODLES: Senator King, could you tell me what body in the municipality will decide who pays the impact fees and who doesn't pay the impact fees?

SENATOR W. KING: Senator Currier just mouthed the zoning board of adjustment. I thought it was the planning board.

SENATOR PODLES: It doesn't say that here, and I was looking for it. Can you tell me where and who is going to decide those impact fees?

Senator King deferred to Senator Currier.

SENATOR CURRIER: The provision of the law says that you can implement an impact fee ordinance under your current zoning laws. So the zoning laws are implemented by the planning board. There is no specific reference in this bill to the planning board in terms of the administrator or the regulator. But the bill is amending that portion of RSA 674:21 to include impact fees and what it does is put it into the zoning ordinance.

SENATOR PODLES: Senator Currier, would you believe that the members on the zoning board are appointed? Shouldn't it be the governing body? Because they are elected and accountable to the public.

SENATOR CURRIER: I am not sure what is driving people in this Senate to cast disparagement over people who are appointed over people who are elected. I don't think there is any difference. They put their pants on the same way I do, and quite frankly, some of them may be more competent.

SENATOR PODLES: Would you believe that I indicated that anyone who is appointed is not accountable to the public. There is no way that they can be accountable, whereas a person who is elected is accountable, and they can put them out?

SENATOR CURRIER: An appointed official is, in fact, accountable to the person who appointed him. If you think for one minute that Judd Gregg or any other appointing official in a city or town, who has somebody who is not acting accordingly or in the best interest of the community, isn't whipped off that committee and asked to resign.

SENATOR PODLES: That is about all.

SENATOR CURRIER: Isn't that sufficient?

SENATOR PODLES: No.

SENATOR J. KING: I rise in opposition to this bill, very strongly. I like the way they call it, the impact fees. Impact fees. As far as I am concerned, a tax is a tax is a tax. And that is just what this is, and they ought to call a tax a tax. I think once the people, in the whole country, start calling a tax a tax, instead of using fees, there would probably be a lot less taxation. They also say that some group is going to pay this tax. And that could be the builder or the construction or whoever we invite in to develop businesses into our state. We also know that there is no such thing as a free lunch. Somebody is going to pay for it. And it is going to be the person who that building or that property is passed on to — and that is the people. These are the same people who are going to be paying taxes on it just like everybody else in that city or town, after they have already paid their taxes for the services being provided. Many, many years ago, we used to have no taxation without representation. This is what you call double taxation with representation. What we don't need now is something to deter the building industry from starting again, like it has been the last several years. We all know the building industry and the construction industry is one of the leading economic factors in any city, town, state or country. If we want economic growth in the state of New Hampshire, let's not saddle it with this kind of a bill. By the way, we have talked about the farms throughout the country. All of a sudden, the small farm is dying out and you have these big farms where somebody sits in New York City or someplace else and runs the farms all over the western part of the state. It will get, soon, with these kinds of taxation bills, fee bills, that the same thing is going to happen to the building industry. The little builder is going to be an extinct species. Let's not allow that to happen and let's kill HB 391.

SENATOR SHAHEEN: I rise in support of HB 391. I would like to reiterate again what has been said before, and that is, there has been a lot of talk about who is accountable here and whether it is an appointed planning board who is responsible for implementing impact fees. Or whether it should be the elected governing body of the town. The fact is that it is the town that votes to adopt impact fees. So if the town doesn't vote to adopt it, then nobody has it and we don't have to worry about who is accountable. If the town votes to adopt it, then they are accountable. And they can vote to adopt it or not. I think for most of us who live in the southern part of the state, we have been dealing with impact fees for a long time, since the mid 80's. Because the growth has forced us to deal with the growth issue

by impacting development because the local property taxpayer hasn't been able to afford that. What this bill does is level the playing field for those developers who are going to develop all over the state. I had that good conservative Republican developer, John Stabile, admit to me that he would like to see impact fees, because it would level the playing field for all contractors.

SENATOR NELSON: Senator Shaheen, I am going to leave the Stabile question to Senator Pressly who is in his district. What I wanted to ask you — I heard you speaking and I wanted to make sure that I understood you clearly before this important vote. Are you telling us or should I understand you that if the planning board or the zoning board makes a decision, that the zoning board decision doesn't stand unless they go to the town fathers and they vote on that?

SENATOR SHAHEEN: No. What I was saying was that in order for towns to implement impact fees under this legislation, the town must first adopt that. And if it is a city form of government, I would assume that would be done by the city council, under a town form of government that would be done at town meeting.

SENATOR NELSON: Senator Shaheen, what would happen would be this. The municipality would adopt the impact fee ordinance, but would the zoning board be responsible for setting the fees?

SENATOR SHAHEEN: That would be the planning board. The zoning board, right now, is not responsible for the implement of zoning ordinances. It is the planning boards that do that. I have to say, by the way, that I happen to chair the zoning board in the town of Madbury and I feel like boards at a local level are very accountable to their local communities.

SENATOR NELSON: The municipality would vote to have an impact ordinance but in fact the planning board would be the ones who determine the fee. What recourse would an individual have, if they did not feel that it was a reasonable fee under this legislation.

SENATOR SHAHEEN: My assumption is the same recourse that people have now, which would be an appeal process and if your appeal was not granted, you would go to court.

SENATOR NELSON: It is no assumption, through the law, Senator Shaheen, either, that the person has an appeal. Do you know if it is in here, if there is an appeal process in here. Because we can't assume anything in the state. Is it in here that there is an appeal process written into the legislation?

SENATOR SHAHEEN: Yes. My impact fee experts tell me, yes.

Senator Blaisdell has moved the question. Final speaker is Senator St. Jean.

SENATOR ST. JEAN: I rise in total opposition of the pending legislation, HB 391, as amended. As an individual who deals in the world of foreclosures on a daily basis, an individual who has conducted 1404 foreclosures last year, 30 or 40 percent of those have been on home builders, I can tell you that this is wrong. This is ill-timed legislation. It is nothing more than a tax on development. Senator Currier mentioned affordable housing. I can tell now, there is a very fine line between first time buyers getting into this market and not getting into it. And the difference between \$1,000 or \$1,500, which in fact would be the impact fee on the average home, may well be the difference between a first time home buyer buying a home or not. Currently in this state, the banks own a billion dollars in real estate. They are the largest property owners in this state. And I can tell you right now, if we pass this impact fee bill, come fall there aren't going to be a heck of a lot of home builders left in this state. And I am a friend of the home builders and developers, because those are individuals during the 80's who provided jobs for our people. This is ill-timed legislation. This is legislation that is nothing more than a tax, as Senator King said. A tax on development. During the 80's Ronald Reagan always talked of taxes. If Ronald Reagan were in this chamber today, he would be dead set against impact fees here today. I think it is wrong and I think we should vote it down for those reasons.

Senator Blaisdell moved the question.

Adopted.

Question on the adoption of the amendment to HB 391.

Amendment to HB 391

Amend the bill by replacing all after the enacting clause with the following:

1 Impact Fees as a Land Use Control Device. Amend RSA 674:21, I to read as follows:

I. Innovative land use controls may include, but are not limited to:

- (a) Timing incentives[;].
- (b) Phased development[;].
- (c) Intensity and use incentive[;].
- (d) Transfer of development rights[;].
- (e) Planned unit development[;].
- (f) Cluster development[;].

- (g) Impact zoning[;].
- (h) Performance standards[;].
- (i) Flexible and discretionary zoning[;].
- (j) Environmental characteristics zoning[;].
- (k) Inclusionary zoning[; and].
- (l) Accessory dwelling unit standards.
- (m) Impact fees.**

2 New Paragraph; Impact Fees. Amend RSA 674:21 by inserting after paragraph IV the following new paragraph:

V. As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights of way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. No later than July 1, 1993, all impact fee ordinances shall be subject to the following:

(a) The amount of any such fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

(b) In order for a municipality to adopt an impact fee ordinance, it must have enacted a capital improvements program pursuant to RSA 674:5-7.

(c) Any impact fee shall be accounted for separately, shall be segregated from the municipality's general fund, may be spent upon order of the municipal governing body, shall be exempt from all provisions of RSA 32 relative to limitation and expenditure of town moneys, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet.

(d) All impact fees imposed pursuant to this section shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. In the interim between assessment and collection, municipali-

ties may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees. Impact fees shall normally be collected as a condition for the issuance of a certificate of occupancy. The above notwithstanding, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where a municipality has appropriated the necessary funds to cover such portions of the work for which it will be responsible, that municipality may advance the time of collection of the impact fee to the issuance of a building permit. Nothing in this subparagraph shall prevent the municipality and the assessed party from establishing an alternate, mutually acceptable schedule of payment.

(e) The ordinance shall establish reasonable times after which any portion of an impact fee which has not become encumbered or otherwise legally bound to be spent for the purpose for which it was collected shall be refunded, with any accrued interest. Whenever the calculation of an impact fee has been predicated upon some portion of capital improvement costs being borne by the municipality, a refund shall be made upon the failure of the legislative body to appropriate the municipality's share of the capital improvement costs within a reasonable time. The maximum time which shall be considered reasonable hereunder shall be 6 years.

(f) Unless otherwise specified in the ordinance, any decision under an impact fee ordinance may be appealed in the same manner provided by statute for appeals from the officer or board making that decision, as set forth in RSA 676:5, RSA 677:2-14, or RSA 677:15, respectively.

(g) The ordinance may also provide for a waiver process, including the criteria for the granting of such a waiver.

(h) The adoption of a growth management limitation or moratorium by a municipality shall not affect any development with respect to which an impact fee has been paid or assessed as part of the approval for that development.

(i) The ordinance may provide for assessment of the impact fee as a condition of a building permit, or of any other appropriate development permit or approval. Neither the adoption of an impact fee ordinance, nor the failure to adopt such an ordinance, shall be deemed to affect existing authority of a planning board over subdivision or site plan review, except to the extent expressly stated in such an ordinance.

3 Effective Date. This act shall take effect 60 days after its passage.

A Roll Call was requested by Senator J. King.

Seconded by Senator Currier.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Currier, Roberge, Bass, Pressly, Colantuono, McLane, Humphrey, Russman, Shaheen, Cohen.

The following Senators voted no: Heath, Disnard, Blaisdell, Nelson, Podles, J. King, St. Jean, Delahunty, Hollingworth.

Yeas: 14

Nays: 9

Amendment Adopted.

Senator St. Jean offered a floor amendment.

SENATOR ST. JEAN: This amendment is one that limits what impact fees will do by narrowing the scope of the type of capital facilities that a municipality can charge with impact fees. This amendment is one that the home builders can live with. It is an amendment that makes much more sense than the one we just passed. I urge your careful consideration for this amendment.

SENATOR MCLANE: Senator St. Jean, it seems to me that you very effectively decimated the bill that we just passed by a fairly wide margin. And I wonder if you could give me any estimate of the percentage of the cost for new industry coming into a state, or a community, which you have just wiped out? My assumption is that the school costs are almost three quarters of what we are talking about. But could you give any estimate at all, if you take the roads, the public parks, the open space, and recreation, public school facilities, police, emergency rescue and fire protection. Would you say that would be about 80 percent of the new industry coming in?

SENATOR ST. JEAN: I think you are probably fairly accurate, Senator.

SENATOR NELSON: Senator St. Jean, why would I support this, if I just voted against the other impact fee?

SENATOR ST. JEAN: Because it is a piece of legislation that the home builders feel, at this juncture, they can live with and I think you may be able to live with it for your district.

SENATOR NELSON: Senator St. Jean, after what just happened in this body, do you think this would have a chance?

SENATOR ST. JEAN: Senator, after being here all year, anything is possible in this chamber.

SENATOR CURRIER: I rise in obvious, total opposition to this waffle iron piece of legislation. This amendment to this bill, basically, guts everything we just debated for an hour in the sense that it doesn't take, as Senator McLane asked in her question, care of 80

percent of the problem by eliminating schools. Are the home builders telling us that they should be the only ones exempt from impact fees dealing with schools. Limits in the scope of the capital facilities covered by impact fees, the amendment limits the scope to some of the similar type things that we just adopted. It eliminates schools and some other public safety facilities, not safety, but public library facilities and recreational facilities. It really restricts what they can. And quite frankly, I would almost rather have nothing than this amendment in terms of impact fees. Because as everybody has said, we can charge them now, we just have to go to court when they are challenged. I believe that this particular amendment is a last ditch effort to submarine or short circuit the impact fee legislation. I think it is clear, with a 14 to 9 vote. I would urge my colleagues to vote against this amendment. The restrictive provisions, and unfortunately I haven't had a lot of time to read this amendment, but my assumption is this is the amendment that was brought before the committee yesterday. If it is, the restrictive provisions of the capital improvement program, it says a qualified person must prepare the CIP. We had an attorney before our committee that said he developed a CIP in five minutes for local communities. I guess he is a qualified person because he is an attorney. A very detailed analysis of existing facilities, the level of usage, commitment and so forth is all documented in a capital improvement program now by the local communities, and that is public documentation and is readily available for anybody under the right to know law. So a developer can, in fact, determine whether he is being imposed a reasonable impact fee relative to the capital needs created by the development. One other point is, we also would not be providing a clause, as we had previously, that's saying upgrading existing facilities and infrastructure, the need for which was not created by the new development, shall not be paid by impact fees. I could go on and on. I would strongly urge my colleagues to vote no. As a person who has worked for the last three years on this bill, I would rather have nothing on the books rather than this provision here.

Amendment to HB 391

Amend the bill by replacing all after the enacting clause with the following:

1 Impact Fees as a Land Use Control Device. Amend RSA 674:21, I to read as follows:

I. Innovative land use controls may include, but are not limited to:

- (a) Timing incentives[;].
- (b) Phased development[;].

- (c) Intensity and use incentive[;].
- (d) Transfer of development rights[;].
- (e) Planned unit development[;].
- (f) Cluster development[;].
- (g) Impact zoning[;].
- (h) Performance standards[;].
- (i) Flexible and discretionary zoning[;].
- (j) Environmental characteristics zoning[;].
- (k) Inclusionary zoning[; and].
- (l) Accessory dwelling unit standards.
- (m) Impact fees.**

2 New Paragraphs; Impact Fees. Amend RSA 674:21 by inserting after paragraph IV the following new paragraph:

V. As used in this section "impact fee" means a fee or assessment imposed upon new subdivisions and other development in order to help meet the needs occasioned by that new development for the construction or improvement of the following capital facilities owned or operated by the municipality: water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public road systems and rights-of-way, subject to the following:

(a) The amount of any such fee shall be a proportional share of costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the new development from the capital improvements financed by the fee.

(b) Any impact fee shall be accounted for separately, shall be segregated from the municipality's general fund, may be spent upon order of the municipal governing body, shall be exempt from all provisions of RSA 32 relative to limitation and expenditure of town moneys, and shall be used solely for the capital improvements for which it was collected.

(c) The ordinance shall establish reasonable times after which any portion of an impact fee which has not become encumbered or otherwise legally bound to be spent for the purpose for which it was collected shall be refunded, with any accrued interest. In no event shall the time period exceed 4 years from the date of payment of the fee. Construction shall be commenced within 3 years of the payment of the fee, or the fee shall be refunded, with any accrued interest.

(d) Any decision under an impact fee ordinance may be appealed in the same manner provided by statute for appeals from the officer or board making that decision, as set forth in RSA 676:5, RSA 677:2-14, or RSA 677:15, respectively.

(e) A municipality may adopt an impact fee ordinance only to the extent that it has adopted or revised a capital improvements program within 2 years prior to the date of the adoption of the impact fee ordinance. The capital improvements program shall be updated every 4 years and an impact fee ordinance that is in effect or the collection of impact fees shall be suspended until the capital improvements program is updated. The capital improvements program shall comply with the provisions of RSA 674:8-a.

(f) The impact fee shall be assessed prior to final approval for the new development and shall be collected only at the time of sale, lease or occupancy of the project to or by the end user, provided however, that in no event shall the impact fee be paid later than the date of the municipality's action on raising its share of the cost of the capital facility. Any purchase and sales agreement for residential property for which an impact fee has been assessed shall include a disclosure informing the purchaser of the amount of the fee which was paid to the municipality. The foregoing sentence shall apply only to the first transfer of the property to a consumer.

VI. Impact fees shall not be adopted or used to pay for any of the following:

(a) Construction, acquisition, or expansion of capital facilities other than those specified in RSA 674:21, V.

(b) Repair, operation or maintenance of existing or new capital facilities.

(c) Upgrading, updating, expanding or replacing existing capital facilities to serve existing development in order to meet stricter safety, efficiency, environmental, regulatory or other standards.

(d) Upgrading, updating, expanding or replacing existing capital facilities to provide better service to existing development.

VII(a). Municipalities may enact or impose impact fees only by complying with this section.

(b) Notwithstanding any other provision of law, no municipality which has adopted an impact fee ordinance pursuant to this section shall assess, charge or impose any other type of impact fee, assessment, off-site improvement contribution or any other thing of value in conjunction with the development and construction of real estate whether through the planning board process, site plan review process, or otherwise, except in conformity with and pursuant to such impact fee ordinance.

(c) The adoption of a growth management limitation or moratorium by a municipality shall not affect any development with respect to which an impact fee has been paid or assessed as part of the approval for the development.

VIII. Any municipality that has previously adopted an impact fee ordinance shall conform to the provisions of this section within 18 months of the effective date of this section, or the ordinance shall be suspended and no impact fees shall be assessed or collected until the ordinance conforms with the provisions of this section.

3 New Section; Capital Improvements Program and Impact Fees. Amend RSA 674 by inserting after RSA 674:8, the following new section.

674:8-a Capital Improvements Program and Impact Fees. Any municipality that intends to adopt an impact fee ordinance pursuant to RSA 674:21 shall, in addition to the other requirements provided by law, comply with the following with respect to the capital improvements program required by RSA 674:21, V(e):

I. The municipality shall use a qualified person to prepare the capital improvements program.

II. The capital improvements program shall contain specific enumeration of the following items:

(a) A description of the existing capital facilities within the municipality and the costs to upgrade, update, improve, expand, or replace such facilities to meet existing needs and usage and stricter safety, efficiency, environmental, or regulatory standards; and

(b) An analysis of the total capacity, the level of current usage, and commitments for usage of capacity of the existing capital facilities.

4 Effective Date. This act shall take effect upon its passage.

A Roll Call was requested by Senator St. Jean.

Seconded by Senator Hollingworth.

The following Senators voted yes: Heath, Disnard, Blaisdell, Nelson, Podles, J. King, St. Jean, Delahunty, Hollingworth.

The following Senators voted no: Oleson, W. King, Fraser, Hough, Currier, Roberge, Bass, Pressly, Colantuono, McLane, Humphrey, Russman, Shaheen, Cohen.

Yeas: 9

Nays: 14

Floor Amendment Fails.

Committee Amendment is Adopted.

Ordered To Third Reading.

HB 137-FN, an act relative to railroad rights-of-way. Finance committee. Ought To Pass. Senator Hough for the committee.

SENATOR HOUGH: The Committee on Finance reports HB 137-FN as ought to pass. It is the committee's position that this bill

should be acted on in a timely fashion. Failure to pass this legislation could have an adverse financial impact on rights of way that have been acquired by the state.

Recess.

Senator Russman in the Chair.

Adopted.

Ordered To Third Reading.

HB 451-FN, an act relative to the licensing of residential care and health facilities and establishing a committee to study RSA 151:21. Finance committee. Ought To Pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: The policy committee of the Senate, Public Institutions, Health and Human Services passed this bill and it was debated on the floor last week. There were two questions that were raised that we thought Finance should take a look at. We talked to the Division of Public Health and it stands by its fiscal note saying that this bill will have no fiscal impact on state expenditures. We also talked to Phil Soule who is the Medicaid administrator who says that this will actually save the state of New Hampshire money. Senate Finance asks your support.

Adopted.

Ordered to Third Reading.

Senator Podles is opposed to HB 451-FN.

HB 171-FN, an act relative to maintaining the "Old Man of the Mountain." Finance committee. Ought To Pass With Amendment. Senator W. King for the committee.

SENATOR W. KING: The amendment that you have before you on the Old Man of the Mountain bill deals with a problem relative to the supplemental budget that we passed earlier this year. It is an amendment that satisfies the needs of bond counsel, and will have no impact other than to do what we had done in the supplemental budget in terms of bonding the Conway Village fire district.

Amendment to HB 171-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to maintaining the "Old Man of the Mountain" and
relative to the Conway village fire district and
making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:
3 New Section; Conway Village Fire District. Amend 1991, 4 by
inserting after section 16 the following new section:

4:16-a Appropriation Bonded; Conway Village Fire District.
Amend 1987, 341:4 as amended by 1988, 37:1 and 1989, 77:9 to read
as follows:

341:4 Conway Village Fire District.

I. The sum of \$960,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. This appropriation shall be in addition to any other funds appropriated or allocated to the district by the state for water pollution control. The sum appropriated in this section shall be a continuing appropriation and shall not lapse. This appropriation shall not be construed as setting any precedent for any other projects for replacement of federal funds withdrawn. [This appropriation shall be a charge against the capital reserve fund, which is the amount in excess referred to in 1987, 399:10, II.]

II. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$960,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state.

4 Effective Date Changed. 1991, 4:31 is repealed and reenacted to read as follows:

4:31 Effective Date. This act shall take effect March 28, 1991.

5 Effective Date.

I. Section 1-2 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the department of resources and economic development to semi-annually inspect and provide necessary monitoring and maintenance of the "Old Man of the Mountain" and requires the commissioner to assign such duties to the caretaker of the "Old Man of the Mountain."

This bill also requires the department of resources and economic development to include sufficient appropriations for the inspection, monitoring and maintenance of the "Old Man of the Mountain" in each estimate of expenditures transmitted to the commissioner of administrative services.

This bill also bonds an appropriation to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion and for interceptors.

Amendment Adopted.

Ordered To Third Reading.

HB 62, an act relative to retirement allowances under the New Hampshire retirement system. Insurance committee. Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: The bill amends the definition of earnable compensation. It repeals the one percent provision with qualifications and defines eligibility requirements for elected or appointed officials, again with qualifications. The amendment adds a rule of "70", i.e. state employees with twenty years of service plus age equals 70 will be eligible to buy into the early retirement system at a greatly reduced rate. The committee urges your support of the committee report of ought to pass as amended.

SENATOR HOLLINGWORTH: HB 62 was brought before the Insurance Committee. Unfortunately, I was not there on the day the bill was passed out of committee as ought to pass with amendment. We had had discussions prior to that about HB 62, and I thought the bill would not be containing the amendment that it now has before you on the floor. Under HB 51, due out by October 1 of this year, a special task force will be studying the entire New Hampshire retirement system. I am suggesting that section 1, section 3 and section 7 and 8 be removed from HB 62 and be studied under HB 51. Section 1 deals with the definition of earnable compensation. The legislation puts a cap on earnable compensation and limits the amount of money that can be applied toward a retirees best three years. This provision has been in effect for a number of years, and has provided many retirees with some insulation against the tremendous cost of living increases that have occurred over the past years. Additionally, there is no actuarial data to prove that this change shall save the system substantial amounts of money. The other sections deal with gainful occupation and disability. This section would apply to people who are already retired and it, in effect, changes the rules under which these people are retired. It is unfair to impose a new retirement law on the old retirement system. These people have planned their retirement

based on the current system. For these reasons, I request that we eliminate this section of the bill and study them when we study the entire system. I would like to ask you to vote down the amendment and there will be a floor amendment if you do so.

SENATOR DISNARD: Senator Bass, listening to what Senator Hollingworth said leads me to my question. I don't understand why those who are already in the retirement system, have been for a number of years, some who were full year employees but because of cut backs and such are now nine and a half month employees, if you do away as stated, their retirement pay would be based on the highest three years. These people are going to be penalized. Why wouldn't they all be grandfathered, if you have such a concern and make this applicable to new people in the retirement system?

SENATOR BASS: That is exactly what the bill does.

SENATOR DISNARD: Can you show me that?

SENATOR BASS: Section 8, Applicable Earnable Compensation. The limits on earnable compensation during the last twelve months of employment as provided shall apply to any termination of employment after December 31, 1991 and so on and so forth. And by the way, Senator Disnard, this bill does not eliminate or reduce any employees eligibility for retirement based upon pay plus fringe benefits during the last three years. It simply limits that after this effective date that I just read to one and a half times the salary. That means if you are getting paid \$40,000 a year during the last three years of your employment and you add together all your fringe benefits and everything else, instead of the sky is the limit, it would be \$60,000. So it really is a very mild change that is being made. As far as Senator Hollingworth's concern about this thing being part of a study committee, that is certainly a valid question. However, I point out that HB 51 has come about as a result of a concern that was expressed by the employer contributors, i.e. the municipalities, and seeing the retirement board recalculate their level of participation from less than one percent up to four or five percent. Although HB 51 does call for study in a whole host of different areas, I point out two things. First of all, it is always a good excuse to study something that you don't want. Secondly, the same members of the House who passed HB 51 feel that these changes that are envisioned in HB 62 should be enacted. So I would urge the Senate to adopt the committee amendment and the committee report of ought to pass as amended.

SENATOR DISNARD: Would you believe, Senator Bass, that the figures you are using in my opinion and I believe, are to convince people to vote your way. I don't know of many employees in the

retirement system retire at a yearly salary of \$40,000. Not certainly the amount of people you are trying to convince us. Nor do I agree with you that most of them have figured into their retirement severance pay, vacation pay and all these others. I think that is misleading to Senators here for a vote.

Amendment to HB 62-FN

Amend RSA 100-A:3, I(a)(3) as inserted by section 2 of the bill by replacing it with the following:

(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,700 hours of employment; and

Amend the bill by inserting after section 2 the following and re-numbering the original sections 3-9 to read as 4-10, respectively:

3 Reduced Service Retirement Allowance for Group I Members. Amend RSA 100-A:5, I(c) to read as follows:

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has **either completed at least 20 years of creditable service which, when combined with his age equals at least 70 years, or who has** attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age, by **1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years** [or more] **but less than 35 years** of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

AMENDED ANALYSIS

This bill amends the retirement statutes, RSA 100-A, by:

(1) Amending the definition of earnable compensation so that severance pay such as vacation time and other compensation paid by an employer are used only to a certain extent to determine the average final compensation of a person upon his retirement.

(2) Repealing the special fringe benefit for certain unclassified officers or employees who withdraw from the retirement system and who make equivalent contributions to an IRA.

(3) Limiting the right of predecessor system retirees to receive a full salary and a full ordinary or accidental disability allowance as a disability retiree, when the retiree is engaged in or able to engage in gainful occupation.

(4) Defining the conditions which elected and appointed officials must meet in order to be eligible for membership in the retirement system.

(5) Changing the requirements for receiving a reduced service retirement allowance as a group I member, and changing the allowance which is received.

Division vote.

Yeas: 13

Nays: 9

Amendment is Adopted.

Ordered To Third Reading.

HB 549-FN, an act relative to early retirement for state employee group I members of the retirement system. Insurance committee. Ought To Pass. Senator Bass for the committee.

SENATOR BASS: If you are age 60 and you retire, you are eligible for full benefits. If you reach the age of 50 and you have ten years creditable experience, you can apply for early retirement at a greatly reduced rate, which you buy in. What this bill does, is for a period of two years, establishes another threshold that if you have 25 years of creditable experience and you are 55 years old, you can retire early with full benefits. The fiscal impact to this bill is roughly \$100,000 to the retirement system. It is designed, essentially, to lessen to a small extent the impact that the inevitable layoffs that we will be facing here in New Hampshire, will have on the state employees. It is a model that has been used in other private industries. It is similar to provisions that exist in Maine, Massachusetts, New York, Rhode Island and Connecticut. And, because it has, essentially, a negligible fiscal impact, the committee feels that it is a good idea to pass because it may make this whole furlough business, which we are inevitably going to face, a little bit easier for us to deal with. The committee urges your support of the committee recommendation of ought to pass.

SENATOR HUMPHREY: Senator Bass, the fiscal impact; are these figures a one time cost or an annual cost. In further reading, I have found the answer. These are annual recurring costs.

SENATOR BASS: The bill is only effective for the biennium beginning in July. The actual fiscal impact, which I have here from the actuary, indicates that the additional costs would be .1 million, which would be \$100,000 annually. That would be only if all 279 individuals who qualify to retire, i.e. 25 years of service plus 55 years of age, took early retirement. It would cost \$100,000. By the way, if they all did retire, the state payroll would go down by 9.1 million dollars at a cost of \$100,000.

SENATOR HUMPHREY: What is the cost over the expected lifetimes of these retirees?

SENATOR BASS: According to the actuary, \$100,000 per year. The program begins on July 1, 1991 and ends on June 30, 1992.

SENATOR HUMPHREY: Yes, but would the costs not recur during every year of retirement through the rest of the lives of these retirees?

SENATOR BASS: No. That is an interesting question.

SENATOR HUMPHREY: The bill is providing increased retirement benefits to a class of employees. Those increased benefits continue throughout the rest of their lives, therefore there is an ongoing cost. Is there not?

SENATOR BASS: I think you are right. I think the fiscal impact would be \$100,000 annually for a very lengthy period of time, not just two years.

SENATOR HUMPHREY: If the cost is \$150,000, averaging the two per year and assuming that one lives twenty years beyond the age of 55, then we are talking about \$15,000,000 or something like that of increased cost to the retirement funds. Would that be right?

SENATOR BASS: I believe so. Yes, Senator Humphrey. I am not sure that is a correct answer.

Recess.

Out of Recess.

SENATOR BASS: I did ask a number of individuals and the actuarial table that I have here indicates that the total liabilities would be 3.7 million dollars under the open group aggregate method, which is the system they are going to start using effective July 1, of this year, for calculating what the cost is on an annual basis. The total cost would be \$100,000 per year, which means to me that it would be 37 years, .1 to 37, 3.7 million and that indeed would be the fiscal impact. But I would also point out that if fifty percent of the people in this window retire, the short term cost to the state would be reduced by

roughly half of 9.1 million dollars, which is what we are paying for these people now. There is a theory that says that if you can encourage these people to leave at this point, it is actually a more fiscally responsible action to take. But the decision is clearly up to the Senate.

SENATOR HUMPHREY: Why draw the line at age 55 and 25 years of service?

SENATOR BASS: That was the way the bill was presented to us as it was considered by the House. I guess the sponsors of the bill determined that 55 years of age is five years under 60, which is when you get full retirement anyway, and 25 years of service would have a fiscal impact on the state on the short term by reducing the state payroll and under the open group aggregate method would reduce the cost to \$100,000 per year but over a much longer term. I point out that on a percentage basis that would mean that each state employee would have a .01 percent increase in the contribution, obviously, 100th of one percent.

SENATOR HUMPHREY: We are not able to get any definitive figures from the retirement board, because the retirement board has already retired for the day. I don't know, given the fiscal situation we are in, I don't see the sense in enacting this proposal. No one likes layoffs. I have been laid off twice in my life; and I have been in other situations where I didn't know from day to day, whether I would be laid off or not. I know what kind of agony that is. There is nothing worse, short of losing your health, than to lose your job. Nobody likes it. But it just seems to me, fiscally irresponsible, unless somebody can show us with sound actuarial figures that this is to our advantage, fiscally, and no one has been able to do that in the current situation. Furthermore, as Senator Colantuono pointed out, we just enacted a bill to study the retirement system. For the record, I want to announce my opposition to this. I think at the very least we ought to table it until we can find some state employees who are at their stations and can give us some authoritative figures.

Senator Bass moved to have HB 549 Laid On The Table.

Adopted.

HB 549-FN, IS LAID ON THE TABLE.

Recess.

Senator Delahunty in the Chair.

HB 122, an act relative to placing ballots directly in the ballot box.

Public Affairs committee. Ought To Pass. Senator Roberge for the committee.

SENATOR ROBERGE: This bill allows someone to put their ballot right in the box, rather than having to hand it to the moderator. Some people felt they had more privacy by just putting the ballot in the box by themselves. It makes provisions for those who might be infirm and can not do it for themselves. We urge passage.

SENATOR HEATH: Is there a reason for having to hand the ballot to the moderator or the person at the ballot box?

SENATOR ROBERGE: We were not given that information at the hearing.

SENATOR HEATH: Would you believe the reason as I understand it is to assure that there is only one ballot in your hand, and not two or three and that is the reason that you hand it to the ballot clerk. Would you believe that?

SENATOR ROBERGE: I don't understand how that would happen, when you are checked in and checked out of the polling place.

SENATOR HEATH: Because you are not searched for ballot look-alikes or whatever?

SENATOR ROBERGE: It is an interesting assumption.

SENATOR HEATH: Would you believe it is an assumption I have had all my life, and that it seemed to me that that is the only guarantee, so I guess my question is, why would you want to get rid of that guarantee?

SENATOR ROBERGE: Senator, we did not hear any opposition to the bill. Your suggestion surprises me. I guess if it has worked for you, it can work.

SENATOR HUMPHREY: What was the impetus for this bill? What problem does this correct?

SENATOR ROBERGE: I don't have my notes with me so I defer to Senator Bass.

SENATOR BASS: It is my recollection, Senator Humphrey, that there has been concern that certain people who vote don't like to hand their ballots to the moderator, because the moderator looks at the ballot. Or, they felt the moderator was looking at the ballot and they had been told that they could not place the ballot directly in the ballot box. That they weren't allowed to. So as a result, they introduced this bill which would allow them to place them directly in the ballot box, unless they wanted to give it to the moderator, i.e. hand-capped or whatever, and allow them to put it in.

SENATOR HUMPHREY: It seems to me that Senator Heath has raised a valid objection to this. I would encourage and hope that the

Senator would offer a substitute motion. But as I understand we have to first defeat this pending motion.

SENATOR HEATH: I would rise to speak against this bill. I don't believe that any moderator could scan the ballot if he had it open and memorize what each person did. The ballot is folded, if you follow instructions, when you hand it to him. But I do believe that a person could pocket some ballots and stuff the ballot box and the reason it is handed off is so that somebody can determine that you are only giving one ballot per person. I think that in spite of the fact that some people are intimidated or angered or insulted or whatever by handing it off that that is a valuable and important protection to our democratic system, and the secret ballot and the sanctity of it. I would urge this body to defeat this piece of legislation here and now. I don't think that there is a good and sufficient reason for changing a system that has worked well. We have had very little scandal. I don't think I have ever heard of a time in the state of New Hampshire when ballot boxes were stuffed, and I think this would open up that possibility. I think it is too much of an opportunity to destroy a system that works very well. I would urge defeat of the bill.

SENATOR OLESON: I rise in support of HB 122. In fact, last session I was asked by several of my constituents to put this bill in. However, for certain reasons, I didn't get around to doing it. Nevertheless, I know a friend of mine, another Representative this year, according to them, the people who asked me to, even the people in Russia, they can vote for themselves. You don't have to give your ballot to somebody else, and let him do it for you. Another thing, if you are afraid of the guy that might be stuffing the ballot boxes, maybe the moderator may have sticky little fingers so he can stuff it himself if he feels like it, so it is a two way street. So I am speaking for some of my constituents and I would like to see this bill passed as written.

Division Vote.

Yeas: 7

Nays: 10

Ordered To Third Reading Fails.

Senator Bass moved Inexpedient To Legislate.

Adopted.

HB 122, IS INEXPEDIENT TO LEGISLATE.

Senator Pressly opposed to the Inexpedient to Legislate motion for HB 122.

Senators Pressly and Oleson in favor of HB 122.

Recess.

President Dupont in the Chair.

HB 154, an act relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county. Public Affairs committee. Ought To Pass. Senator Bass for the committee.

SENATOR BASS: This bill provides that in Belknap county, the county commissioner terms will be staggered, which is the way it is done in 8 of the other counties in the state. The testimony from the sponsors and the folks from Belknap county indicated that they supported this bill. So I urge you support the committee recommendation of ought to pass.

SENATOR MCLANE: Mr. Bass, if I am opposed to the county commissioners staggering, how would I vote on this bill?

SENATOR BASS: Well, Mrs. McLane, you would vote no on the motion, but that would be in conflict with what is done in your own county of Merrimack.

SENATOR PRESSLY: Senator Bass, forgive me for not understanding this bill totally, but does this not mean that you are actually changing some constitutional terms of office here?

SENATOR BASS: If you are asking me whether or not the length of term is set by the constitution for county officers, I am not under the impression that that is the case. I would certainly suspect that if there was some constitutional prohibition on limiting these terms, or staggering the terms, you wouldn't have RSA 653:1,IV(f), because obviously all the other terms that are staggered are set by statute. So I would assume that the constitution would hold up for all the other counties in the state.

SENATOR PRESSLY: Could you tell me what other counties have county commissioners that have terms of office for more than two years?

SENATOR BASS: This is the process that is used in order to stagger the terms, Senator Pressly, as it was done in eight of the ten. There is no hidden agenda here to change in any way the length of term for the county commissioners of Belknap county, permanently. There is no way to stagger terms without having term length varied.

Recess.

Out of Recess.

Senator Delahunty in the Chair.

SENATOR PRESSLY: I am just confused by this and I would like some guidance from the other Senators. In my county, and I thought it was by statute that every term of office is two years, and every state election, every county commissioner comes up for re-election. So this means in some counties, these commissioners will serve for six year terms?

SENATOR BASS: May I respond to your question. Undoubtedly, in Hillsborough county, in order to stagger the terms as they are now, they had to have a point in which somebody was elected for two years, and somebody for four years and somebody for six. This bill is only going to create that on a one shot basis. So you don't end up with only two county commissioners for a period of time, and then only one county commissioner and then go back to three. It is a mechanical thing. It is not a long term thing at all. It is the only way you can create staggered terms, without reducing the number of county commissioners during the process. It is a technical question. And it must have happened sometime in the past in Hillsborough county as well.

Adopted.

Ordered To Third Reading.

HB 241, an act relative to the age requirement for retirement communities. Public Affairs committee. Inexpedient To Legislate. Senator Podles for the committee.

SENATOR PODLES: HB 241 changes the age requirement for retirement communities. And also changes certain rules regarding occupancy. Part of this bill are already in another bill, and the rest of the bill had no public support, so the committee recommends inexpedient.

Committee Report Adopted.

HB 349, an act relative to the charter of the New Hampshire Centennial Home for the Aged. Public Affairs committee. Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 349 authorizes the New Hampshire Centennial Home for the Aged to increase their hold of personal property donations and legacies from \$5,000,000 to \$6,000,000. Their hold of personal property is already allowed under their charter, so the committee recommends ought to pass.

Adopted.

Ordered To Third Reading.

HB 532, an act relative to the color of ballots used in municipal elections. Public Affairs committee. Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill requires that cities or towns, when they have more than one ballot, use different colored ballots. Apparently, in the town of Enfield in a recent election, they had two different ballots that were the same size and the same color. I have never voted in an election where the ballots weren't a different color, but the result was the tallies for the two different ballots didn't correspond because somebody had left a ballot in a booth, because they only voted one of the ballots and then somebody came in at a later time, and voted two ballots that were the same vote. So they didn't tally. And the way you avoid that is to have different color ballots, given the fact that the moderator can't look at the ballot to see which one it is, you have no way of knowing if an individual was voting two ballots the same. The amendment was brought to us by Rep. Krueger and members of the Claremont delegation. What this amendment does is prohibit the holding of local elections on the same day that you have a state election. Currently, in New Hampshire law, every single municipality in the state is prohibited from doing this except for four municipalities that were grandfathered in. You may recall that in the city of Claremont last year, there were some problems associated with their election because they had a local election with a huge local ballot on election day, and it is considered to be one of the reasons there was a terrible error rate in their last election. So the committee urges you adopt the amendment and the bill with the committee report of ought to pass as amended.

Amendment to HB 532

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the color of ballots used in municipal elections and
relative to the time for holding town and district
business meetings and elections.

Amend the bill by replacing all after section 3 with the following:
4 Articles. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual [or biennial]

meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. Upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting.

5 Special Meeting. Amend RSA 39:4 to read as follows:

39:4 Special Meetings. The selectmen when calling a special town meeting shall, within one week after posting the warrant therefor, cause copy of said warrant to be published once in a newspaper of general circulation in said town. **In no event shall a special town meeting be held on the biennial election day.**

6 Special School Meeting. Amend RSA 197:2 to read as follows:

197:2 Special. A special meeting of a school district shall be held whenever, in the opinion of the school board, there is occasion therefor, or whenever 50 or more voters, or 1/4 of the voters of the district, whichever is less, shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired. **In no event shall a special school district meeting be held in conjunction with the biennial election.**

7 New Paragraph; Town Election. Amend RSA 669:1 by inserting after paragraph II the following new paragraph:

III. No town election shall be held in conjunction with the biennial election.

8 School District Election. Amend RSA 671:2 to read as follows:

671:2 Election Dates. School district officers shall be elected either at the town meeting as provided in RSA 671:22-26 or at an annual meeting of the district, held between the dates set forth in RSA 197:1. **Notwithstanding any other provision of law, no election for school district officers shall be held in conjunction with the biennial election.**

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that if a city or town uses more than one ballot in a municipal election, each ballot shall be a different color.

The bill also prohibits towns and districts from holding regular business meetings or elections on biennial election day.

Amendment Adopted.

Ordered To Third Reading.

HB 542, an act relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article. Public Affairs committee. Ought To Pass. Senator Bass for the committee.

SENATOR BASS: This bill allows proper time for the publication of reports for business to be conducted at the annual school district meeting, by requiring that warrant articles be submitted at least 30 days before the second Tuesday in March or the date prescribed for the school district meeting, whichever is earlier. The bill also changes the number of petitions on an application for a warrant article from 10 to 25 votes or from 1/6 to 2 percent of the voters in the school district. This is consistent with the numbers now used for town meetings. The committee urges your adoption of the committee report of ought to pass.

Adopted.

Ordered To Third Reading.

HB 548, an act relative to the information required on checklists. Public Affairs committee. Ought To Pass With Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: HB 548 has to do with the fact that if you have a restraining order, you can have your address eliminated from the checklist. A lady came in and claimed that her former husband who had been assaulting her, was able to get her address by looking at the check list. The proposed amendment would have to do with putting your town of domicile underneath your name on the ballot. It has been pointed out to me that maybe we are premature with that particular issue, in that we will be redistricting in the fall of this coming year, and we should wait at least another year before initiating that kind of legislation.

Amendment to HB 548

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the information required on checklists and
relative to the form of general election ballots.

Amend the bill by replacing all after section 2 with the following:

2 Name and Domicile of Candidates Placed on General Election Ballot. Amend RSA 656:4 to read as follows:

656:4 Name **and Domicile**. Every state general election ballot shall contain the name **and domicile** of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided, and shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot, but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation for "President and Vice-President of the United States". If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill eliminates the requirement that checklists include the address of a voter, if the voter presents a valid protective order to the supervisors of the checklist.

The bill also requires every state general election ballot to contain the name and the domicile of each candidate.

Amendment Fails.

Ordered To Third Reading.

HB 621, an act relative to voting by absentee ballot. Public Affairs committee. Ought To Pass With Amendment. Senator Cohen for the committee.

SENATOR COHEN: This bill allows a voter who may be absent or unable to vote in person on election day to vote by absentee ballot. This is currently most often the case in most cities and towns. This basically makes it legal. With the consent of the sponsor, we agreed to delete section 4 which makes it easier for the supervisor of the checklist, and deletes some possible confusion that they might have had with regard to finding people, whether or not they voted on election day. There was no opposition to this and the committee suggests that it ought to pass.

Amendment to HB 621-FN

Amend the bill by deleting section 4 and renumbering the original sections 5 and 6 to read as 4 and 5 respectively.

AMENDED ANALYSIS

This bill allows a voter who may be absent or unable to vote in person on election day to vote by absentee ballot.

Amendment Adopted.

Ordered To Third Reading.

HB 624, an act relative to removing candidates' signs after an election. Public Affairs committee. Inexpedient To Legislate. Senator Bass for the committee.

SENATOR BASS: Although the sponsor of this bill had the greatest of intentions, there are problems with allowing municipalities to charge candidates \$5.00 for the removal of signs that are not removed within ten days after the election. Most notably, most of these signs that are unaccounted for are on state rights-of-way, and I really don't think the municipal people can go on the state right-of-way and take the signs down anyway. But secondly, many times a candidate doesn't know, near the end, where the signs are. It would be ridiculous and absurd to expect a candidate to traverse, especially a losing candidate, every single road in the entire state of New Hampshire to assure that all the signs were taken down, the penalty of which could be the potential liability of \$5.00 per sign. So, although the committee thinks the sponsor has great intentions, the committee feels the bill should be reported as inexpedient.

SENATOR HUMPHREY: I just want to seize a few seconds to speak to the matter of political advertising and whether or not it should be allowed on public rights-of-way. Of course, under the law as it is now written, it is not. But I would refer my friends to the first article of our constitution, the Bill of Rights. "All men are born equally free and independent, therefore all government of right originates from the people is founded in consent", etc. Founded in consent, consent of the government is the foundation of our democratic ideal. The way people express their consent is through elections. I think it is a mistake that we have on our books a law that prevents political advertising on public rights-of-way, except within a certain radius of traffic signs. Next year, I am going to offer a bill to change this. I don't know how far we will get, but I have never seen a political sign that I regarded as ugly. Some of them aren't so artistic, but I have never seen one that is ugly. Because for people to participate in

the electoral process is a beautiful thing, however badly designed their signs might be. I know it is not related to the matter before us, but I thought it was an opportune moment to say that. And I hope my colleagues will give it some thought over the summer, because I am going to introduce a bill that says you can put political signs, advertising signs, for limited periods of time on public rights of way as long as they don't interfere with public safety in terms of obscuring signs.

SENATOR PRESSLY: I, too, would like to speak to this. I find something rather appealing about this. And the reason being, I certainly support the usage of signs during a campaign. I think it is an intricate part of everyone's campaign, the rub and the purpose of this is that people don't take responsibility, the candidates in many areas, do not take the responsibility to remove their signs after the election. I consider that a few days after election, it is a matter of littering. I rather like the \$5.00 idea. And I would like to commend the sponsor. I know that the committee and the Senate will probably vote inexpedient, but I think there is something right about this and I hope, Senator Humphrey, that you will take a look at how we can enforce the removal of the signs, once the election is over. Once the campaign is finished, the political signs should not become an eyesore in the community.

SENATOR HEATH: Senator Pressly, I had what I call an ugly occurrence during my last election, where the person charged by the state to oversee a section of highway decided, and this isn't rumor or speculation, he decided, because he asked me about the second state pay raise and was it true that I opposed it, I told him I opposed it, and suddenly everyone of my signs in his district were one right-of-ways and he was taking them down and breaking them and apologized, each time I proved as I did in some cases, that it wasn't on a state right-of-way. How, under this legislation, would you prevent the kind of mischief a person can do? They can go behind any of the highway garages, and find these signs that they have taken down. How would you prevent them from saying they took those out of an area and were passing on charges to candidates that they didn't like? Aren't you turning the rats loose on the grain bin?

SENATOR PRESSLY: I suggest, Senator Heath, that mischief will prevail most everywhere.

SENATOR HEATH: Mischief, at \$5.00 a copy, becomes more than mischief, doesn't it?

SENATOR PRESSLY: I have heard your story and I have deep compassion and sympathy for the situation that you have referenced, and also in my district, we have fascinating stories of in-

trigue, of cloak and dagger in the middle of the night, changes of signs during campaigns. I agree that it is an absolutely fascinating situation. It appeals to me to somehow penalize in anyway possible having what I think, ten days after an election, all literature should be removed. Not looking to cause you any additional grief, Senator Heath. If anything else, we can lock up your signs so that no one can get to them after the election. The point is, we have different topography. In the country it is different than in the cities and in the cities and towns you may have inches between one person's border and the neighbors. So in the cities, the argument frequently is that sign on Mr. Jone's property or Mr. Smith's property or Ms. Smith's property. I know in the country it has more to do with the acres.

SENATOR HEATH: In my view, a lot of my signs during the interim between elections reside in people's garages and different areas. They are signs that I lost control of and knowledge of many years ago. They come out during the elections. I have a hard time driving around my district, hundreds of miles of roads, after the election because I don't want to be accused of leaving signs out. In fact, this year, I took them down before the general election, even though I had a general election opponent. How, if I missed those signs, can I be held responsible? I have heard rumors of two of my signs still being up and I bet anybody to tell me the location, I'll take them down, do whatever I want with them. But I want to find them if they are still up. One allegedly is an arrow which isn't in my district. I have never located it. And the other one is someplace around the Ossipee area, and I cannot find and I have made an attempt, because I am embarrassed if one of my signs is out there at this point. Because I do think it is a disservice and an unsightly thing to have political signs beyond that period. But how can I be responsible if I can't locate those?

SENATOR PRESSLY: I am totally sympathetic with your dilemma and the only thing that comes to mind, having heard of this problem for the first time, is to do like we do with our wildlife, and to somehow mark your signs so you can identify with a code number, sort of like you put in the ear or band it or something, so you are able to track each sign and you will be able to know where it is at all times.

SENATOR HEATH: I guess one final question is, is there not a better way to combat work this legislation. Wouldn't it be better to come back with something that is workable and fair and just.

SENATOR PRESSLY: I agree with that but may I also add that this might be the perfect solution to your problem, because maybe it would be worth the \$5.00 to find them.

Committee Report Adopted.

HB 754, an act relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes. Public Affairs committee. Ought To Pass. Senator Bass for the committee.

SENATOR BASS: This bill makes a series of very technical changes in election laws and also certain duties of the secretary of state. They relate to hours of polling, becoming a candidate, posting sample ballots, issuing certificates of election. Another part changes the application procedure, by a notary public, selling privileges for hawkers and peddlers, and the distribution of annual reports by county commissioners. The committee urges your adoption of the committee report of ought to pass. I would be glad to any answer a question for Senator Nelson.

SENATOR NELSON: What is the notary public change? Is it in the amendment?

SENATOR BASS: There is no amendment, Senator Nelson. The committee recommendation is ought to pass. The part that involves notary publics is basically an effort to bring the state law into conformity with a U.S. Supreme Court decision which says that you cannot have residency requirements for notary publics. On page 4, paragraph 7, the old language is "have been a registered voter of this state for at least three years immediately preceding the date of application", that is the part that is in conflict and it changes the language to "be a resident of this state". The point that was brought to us by the secretary of state's office is whether you like it or not, we are going to do it because the existing language isn't enforceable anyway.

SENATOR NELSON: Just a question about the polling hours, on page 5. I just wanted to make sure was this intended to have some sort of uniformity or what?

SENATOR BASS: Currently, Senator Nelson, in the last biennium, we passed a bill that required that polls be open for a specified period of time from 11:00 to 7:00. All this says is that the cities shall post notices at least thirty days prior to a state election. It does nothing more than that. The towns do it already.

SENATOR NELSON: It doesn't say that they have to post it.

SENATOR BASS: It doesn't. It says they shall determine, it doesn't say anything about posting.

Adopted.

Ordered To Third Reading.

HCR 8, an act urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events to allow another television channel to provide such coverage to broadcast from the Mt. Washington summit. Public Affairs committee. Ought To Pass. Senator W. King for the committee.

Recess.

President Dupont in the Chair.

SENATOR W. KING: This resolution calls on channel 8 television in Poland Springs, Maine to carry more New Hampshire news coverage. Channel 8 is the primary source of news for most people who live in the northern part of the state of New Hampshire, and they carry very little in the way of coverage about news that goes on in New Hampshire. Just so you don't misunderstand, channel 9 does reach Rumney, it just doesn't reach above the Notch. They say word of mouth loses it wind through the Notch, well radio and television waves also lose their strength through the Notch. This resolution really calls on them to do a better job of serving the people in the northern part of the state of New Hampshire, with New Hampshire news.

Senator Podles moved to have HCR 8, Laid On The Table.

Adopted.

HCR 8, IS LAID ON THE TABLE.

SUSPENSION OF THE RULES

Senator Bass moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 525-FN, before the Senate at the present time.

Adopted.

HB 525: relative to appealing recounts in town elections. Inexpedient to Legislate. Senator Bass for the committee.

SENATOR BASS: Presently, when a town has a problem and a recount is requested and the results of the recount are contested by either parties, the recount goes to the Superior Court. This bill provides that the appeal must be made to the ballot law commission. This bill was generated as a result of a problem that occurred apparently in Goffstown where a recount was appealed and the Superior Court took an unusually long time to consider this recount. If the sponsors think that it takes a while to get it through Superior Court, they ought to try the ballot law commission. Because that is just as slow. Furthermore, this bill would cost the municipalities funds, be-

cause they would have to pay for the recount, rather than getting it free from the courts. And, furthermore, it would adversely affect those towns that are far away from Concord, because they would have to bring their recounts down here, where now they can go to the Superior Court. The committee urges your adoption of the committee report of inexpedient.

Committee report Adopted.

SUSPENSION OF THE RULES

Senator Bass moved that the rules of the Senate be suspended so far as to dispense with the notice of the committee report in the calendar and that HB 243 be before the Senate at the present time and that the bill be on second reading at the present time.

Adopted.

HB 243: relative to the number of signatures required to place a petitioned article on the warrant. Ought to Pass. Senator Bass for the committee.

SENATOR BASS: This bill adds to the current requirement that in order to get a warrant article presented, you must have 25 or more registered voters, or two percent of the registered voters in town, whichever is less. It was brought to the attention of the general court that there were some municipalities that were so small that a very few number of individuals could bring nuisance warrants to the attention of the voters. So as a result, the sponsor of this bill, urged us to support the bill which would require that at least ten people sign a petition to get a warrant article, which by the way was the old law, prior to 1989.

Ordered to Third Reading.

Adopted.

TAKEN OFF THE TABLE

Senator Hollingworth moved to have HB 583-FN, relative to carrying pistols and revolvers, Taken Off The Table.

Adopted.

HB 583-FN: relative to carrying pistols and revolvers. Ought to Pass with Amendment. Senator McLane for the committee.

SENATOR MCLANE: That is the bill that doubles the time between when one would have to carry a concealed weapon from two to four years. It also doubles the fee, so that it would make it easier for town clerks to register these guns. It would also be easier for

people, who oftentimes, forget every two years. There was a section of the bill that called for life-time pistol permits after one had registered your permit for eight years in a row. We decided that a four year check by the town authorities on the people who had permits to carry concealed weapons was appropriate, and the amendment takes out that section of the bill that called for lifetime permits for carrying concealed weapons.

Amendment Adopted.

Amendment to HB 583-FN

Amend RSA 159:6 as inserted by section 1 of the bill by replacing it with the following:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a nonresident, shall issue a license to such applicant authorizing him to carry a loaded pistol or revolver in this state for not more than [2] 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. Hunting or target shooting shall be considered a proper purpose. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [2] 4 years. [The license] **All licenses** shall be issued within 14 days after application therefore, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy thereof kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be [\$4] \$8, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be [\$10] \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter **and forms for the application for such licenses** and to supply the same to officials of the cities and towns authorized to issue said licenses. **No other forms shall be used by officials of cities and towns.** The cost of said forms shall be paid out of the fees received from nonresident licenses.

AMENDED ANALYSIS

This bill increases the term of licenses granted to residents to carry loaded pistols and revolvers from 2 years to 4 years. The bill raises resident fees for such licenses from \$4 to \$8 and nonresident fees for such licenses from \$10 to \$20. The bill requires town and city officials to use forms for license applications and licenses provided by the director of the division of state police.

Committee Amendment Adopted.

SENATOR HOLLINGWORTH: This amendment was a bill that was brought in at the request of the police chiefs that would require somebody who was carrying a concealed weapon to have on his person some photo ID. This was passed through the Judiciary with the amendment by the gun association presented by Senator Heath, and addressed some of the concerns that the gun association had with the original bill. This is the amendment that was approved by the Senate Judiciary and the Senate. When it went into the House, Public Protection told me they would rather I attached it to this bill, HB 583, rather than pass my bill. They said they felt sure that the Senate would see it their way. So they killed my bill and I am asking you at this time to pass this amended version that allows for anyone who is carrying a concealed weapon to have on his person a photo ID of some sort. This bill is agreed on by both the police chiefs and the gun association. I hope you can see fit to pass this with further amendment.

Senator Hollingworth offered a floor amendment.

Floor Amendment to HB 583-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Licenses to Carry Firearms. Amend RSA 159:6 to read as follows:

159:6 License to Carry; **Penalty.**

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a nonresident, shall issue a license to such applicant authorizing him to carry a loaded pistol or revolver in this state for not more than [2] 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. Hunting or target shooting shall be considered a proper purpose.

II. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [2] 4 years. [The license] **All licenses** shall be issued within 14 days after application therefor, and, if [such] **an** application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy thereof kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be [\$4] \$8, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be [\$10] \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter **and forms for the application for such licenses** and to supply the same to officials of the cities and towns authorized to issue said licenses. **No other forms shall be used by officials of cities and towns.** The cost of said forms shall be paid out of the fees received from nonresident licenses.

III. A person licensed under this section shall carry his license upon his person along with any one of the following 3 forms of photographic identification:

- (a) A passport;
- (b) A driver's license; or
- (c) A photographic identity card issued by the department of safety;

Whenever he is carrying a loaded pistol or revolver or he shall be guilty of a violation. No person charged with a violation of this section shall be convicted if, within a period of 48 hours, he produces in the office of the summoning officer evidence that he held a valid license which was in effect at the time of his summons.

2 Effective Date. This act shall take effect January 1, 1992.

AMENDED ANALYSIS

This bill increases the term of licenses granted to residents to carry loaded pistols and revolvers from 2 years to 4 years. The bill raises resident fees for such licenses from \$4 to \$8 and nonresident fees for such licenses from \$10 to \$20. The bill requires town and city officials to use forms for license applications and licenses provided by the director of the division of state police.

This bill requires a person licensed to carry a loaded pistol or revolver to carry such license, along with a form of photo identification, whenever he is carrying a loaded pistol or revolver.

Floor Amendment Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Heath moved to have HB 603-FN, an act to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts, Taken Off The Table.

Adopted.

HB 603-FN, an act to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts. Executive Departments. Ought to Pass. Senator Bass for the committee.

Senator Bass offered a floor amendment on behalf of Senator Heath.

SENATOR HEATH: Inadvertently, the amendment was drafted with Senator Bass' name on it, but it is just as well because he will lend a lot of credence and prestige to this. The amendment is a bill that we passed in this body, I think unanimously, that set up a commission at no cost to the state. The job of the commission was to suggest on an ongoing basis, mandates that we had enacted earlier that we could repeal. It gave representation to people in education, and municipal and county officials to come back and say we don't need these, these are mandates that cost us money, but repeal them. But the House, being, I guess, in the silly session, put this bill to study. They said there was a lot of unanswered questions. It is a pretty clear, straightforward bill, and we felt that this would be an appropriate vehicle to return this bill for their reconsideration. And that is why, earlier today, we tabled this bill which has to do with mandates and a task force, so we could add our position one more time, so they could reexamine that. I would urge you to support the floor amendment as you did originally on the original legislation as it left here.

SENATOR HOLLINGWORTH: Senator Heath, just a technicality. I noticed, and it probably was in the other bill the same way as this is, the appointments are by the Governor and Council and I was wondering why there would not be someone appointed by the Speaker of the House and the President of the Senate?

SENATOR HEATH: I guess because they are going to be recommended back to the Legislature, and I am trying to remember back to the drafting. We simply wanted people from these communities — the counties, the schools, the education groups as well as the school

boards — and the town workers would come back to us. If the appointments came from the legislative body, then you have a sort of incestuous thing and this gives them an appointment outside of this body to come back to make recommendations for repeal of mandates to this body.

SENATOR HOLLINGWORTH: My problem is, I spent the good part of the day downstairs and found that the Governor was again attempting to mandate things back to the local units of government. And I have a little bit of fear in my heart that his appointments will represent his desire to again mandate things back to the local units of government. So I am asking you, can we be assured that the people he is going to select are going to be looking at mandates in a serious fashion?

SENATOR HEATH: I can't imagine that he wouldn't select people who would be looking at repealing mandates. This only looks at mandates that they want to repeal. And these are the groups that have said, we can't contain our costs and property tax unless you repeal mandates or fund them. Well, we have tried to address the funding, but this addresses the ones that can be repealed, the easy part. Repeal mandates that they don't want. The appointment authority, frankly, doesn't bother me. The Governor didn't request this, this is my own request. The point is the people from these communities can come forward and say these we don't need and suggest them to us. And then we look them over in the normal fashion. I don't see how he can run an agenda. If he were to nominate people who didn't want any repeals, nothing happens. If he were to nominate people who did want repeals, it would come before the legislature. My guess is, if he doesn't take any position, no knowing what would be repealed, I am guessing that everybody will find some attractiveness in some of the suggested repeals and no attractiveness in others. So I think it is more important what community they come out of. And this comes out of the communities that are setting property taxes for us around the state. I think it is a win-win situation, honestly. If you want to give appointments to House leadership and Senate leadership, if it is that important to you, that doesn't bother me.

SENATOR HOLLINGWORTH: Then you wouldn't mind if we could make an agreeable amendment to allow two members to be appointed by the Speaker of the House and one by the President of the Senate.

SENATOR HEATH: I would want equality between the Senate President and the Speaker of the House. If they have two, I would want two. However, I would want those appointments specified as to what communities, I don't want to see legislators on this. I want

them to come to us. I don't know that there is no unrepresented branch. If you want to give half of the appointments, in other words there are two county commissioners, we'll have one from each and make it three county commissioners. That wouldn't bother me.

SENATOR HOLLINGWORTH: Well, I would like to, if we could have an amendment, do just that.

SENATOR HEATH: Time is the only interest.

SENATOR HOLLINGWORTH: All you would be saying, instead of two county commissioners, you would be saying three, one appointed by the Speaker of the House, one by the President of the Senate and one by the Governor. That is not a tough amendment. And you would do that all the way down. It is quite easy.

SENATOR HEATH: If the Senate President would allow that as an understood amendment on the floor, in the interest of time, I personally would have no objection to move each one to three and make one appointment by each of the three individuals.

Recess.

Out of Recess.

PRESIDENT DUPONT: The Senate will indulge the adoption of an amendment without having it come through Legislative Services.

SENATOR HEATH: For the record, I would change each appointment to three people instead of two, two persons representing the New Hampshire Municipal Association, I would change to three and appointed by Governor and Council, I would change to one appointed by the Speaker, one appointed by the Senate President and one appointed by Governor and Council, and so on. With B — two county commissioners changed to three, one appointed by each of those three. C — two appointed school board members changed to three, one appointed by each of the three. And D — the same way. And with that I would offer this floor amendment, otherwise, as is.

SENATE CLERK: Chapter 19-D, I-a would become three persons representing the New Hampshire Municipal Association, one appointed by the Governor, one by the Senate President and one by the Speaker of the House.

b) would become three county commissioners representing New Hampshire Association of Counties, one appointed by the Governor and Council, one appointed by the President and one appointed by the Speaker.

c) would become three school board members, one appointed by the Governor and Council, one appointed by the President, and one by the Speaker.

d) would become three teachers in New Hampshire, one appointed by the Governor and Council, one appointed the President and one appointed by the Speaker.

The question is on the amendment as offered by Senator Heath with the changes expressed by Senator Heath and reported by the Senate Clerk.

SENATOR W. KING: Very quickly. As somebody who had his head handed to him two years ago on this very same issue, it is nice that we are debating which one of these amendments we are going to be adopting, rather than debating whether we ought to be talking about this. I think the amendment that Senator Heath and Senator Hollingworth have just put together on the floor is acceptable to me as a person who was supposed to sign on to this bill but didn't because of a glitch.

SENATOR DISNARD: Senator Heath, mandates — does that mean mandates since the constitutional revision or amendment or does it mean mandates from forty years ago?

SENATOR HEATH: Any mandate. These people can suggest for repeal any mandate that exists in New Hampshire law.

Senator Heath offered a floor amendment.

Floor Amendment to HB 603-FN

Amend the title of the bill by replacing it with the following:

AN ACT

to establish a mandates task force to recommend modification
or repeal of those unfunded mandates imposed upon
municipalities and school districts and
establishing a commission to study
and recommend elimination of
state-mandated programs.

Amend the bill by inserting after section 7 the following and re-numbering the original section 8 to read as 9:

8 New Chapter; Commission on State-Mandated Programs and Responsibilities. Amend RSA by inserting after chapter 19-C the following new chapter:

CHAPTER 19-D

COMMISSION ON STATE-MANDATED PROGRAMS AND RESPONSIBILITIES

19-D:1 Commission Established; Duties.

I. A commission is hereby established to identify programs or responsibilities mandated or assigned by the state to political subdivisions which the commission may recommend for elimination from law.

(a) Two persons representing the New Hampshire Municipal Association, appointed by the governor and council.

(b) Two county commissioners representing the New Hampshire Association of Counties, appointed by the governor and council.

(c) Two school board members, appointed by the governor and council.

(d) Two teachers in New Hampshire, appointed by the governor and council.

II. The members of the commission shall receive no compensation.

19-D:2 Initial Meeting. The committee shall hold its first meeting within 30 days of the effective date of this act and be called by the first named county commissioner. The committee shall choose a chairperson at its first meeting.

19-D:3 Report. The commission shall submit a report on a quarterly basis to the speaker of the house, the senate president, the governor, and the appropriate standing legislative committees with recommendations for repealing programs or responsibilities. For the purposes of this section, the appropriate standing legislative committees shall be the committee of each house which has legislative jurisdiction over the program or responsibility. The initial report shall be submitted on or before January 1, 1992.

AMENDED ANALYSIS

This bill creates a task force to identify mandated responsibilities imposed by the state and federal governments upon municipalities and school districts, and to make recommendations for the modification or repeal of those mandates which are clearly unfunded by any political subdivision other than the municipalities or school districts.

This bill also establishes a commission to identify mandated or assigned programs or responsibilities which the commission may recommend for elimination from law. The commission is composed of members of the New Hampshire Municipal Association, the New Hampshire Association of Counties, New Hampshire school board members and New Hampshire school teachers.

On a quarterly basis the commission shall report to the speaker of the house, the senate president, the governor and the appropriate standing legislative committees and recommend the repeal of certain programs or responsibilities.

Floor Amended Amendment Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Heath moved to have HB 517, an act relative to watercraft safety, Taken Off The Table.

Adopted.

HB 517, an act relative to watercraft safety. Wildlife & Recreation committee. Ought To Pass With Amendment. Senator Colantuono for the committee.

SENATOR COLANTUONO: This amendment simply takes out paragraph one of the original bill which I had a problem with because I believed it allowed an unconstitutional warrantless search by the commissioner of any premises that sells boats. I believe some of the people on the committee agreed with this, and so I would therefore move the amendment.

SENATOR MCLANE: Senator Colantuono, I, too, read the Supreme Court decision that dealt with this warrantless search. But it occurs to me that the fact that the boat dealers were in favor of this section, what happens if a boat dealer gives permission to an inspector to come in and not enter boat but to check the hull identification?

SENATOR COLANTUONO: I believe that if the check could be made without looking into any private area, the consent search would probably be upheld by a court, without knowing more of the facts and details. But if it required any kind of searching going under or looking behind something, etc., that might not suffice. But in general, a consent search of the premise of the store owner would cover any search made within the premises.

SENATOR MCLANE: That I understand from reading that Supreme Court decision. And I guess what I would really like to know is, can the Department of Safety still, given the permission of a boat dealer, go and look for certain numbers and seeing those numbers, put a warrant on the person for having a stolen boat, if they have permission and if they haven't invaded the boat. I guess I would like to give an example. Suppose a red boat with a sixty horsepower motor is missing. And the Department of Safety is walking along a bank of boats in a marina and they see that boat. Can't they go and look at the number?

SENATOR COLANTUONO: Yes, I believe they would have that power out in a marina, because it is in open view, provided they have the legal right to be on the property.

SENATOR MCLANE: Yes, provided they have the permission of the owner of the marina to be there.

SENATOR COLANTUONO: Yes. That would be under the plain view exception.

SENATOR MCLANE: Okay, I just wanted all that in the record.

Senator Colantuono offered a floor amendment.

Amendment to HB 517-FN

Amend the bill by replacing section 6 with the following:
6 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1992.

Amend the bill by deleting section 1 and renumbering sections 2-6 to read as 1-5, respectively.

AMENDED ANALYSIS

The bill permits the commissioner of safety to revoke the privilege to operate or register a boat.

This bill also prohibits the sale of boats which are unequipped with muffling devices and allows the commissioner to waive certain administrative penalties for violations of boating laws and rules. It establishes criminal penalties for certain boating offenses.

Floor Amendment Adopted.

Ordered To Third Reading.

Enrolled Bill Amendment to HB 262-FN

Amend the bill by replacing all after section 6 with the following:

7 Contingency Renumbering. If any other act of the 1991 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1991 session laws.

8 Effective Date. This act shall take effect July 1, 1991.

Adopted.

Enrolled Bill Amendment to HB 683-FN-A

Amend lines 2-3 of section 6 of the bill by replacing them with the following:

force for the purposes of this act for the biennium ending June 30, 1993. This appropriation shall be a charge against the highway fund.

Adopted.

ANNOUNCEMENTS

SENATOR COLANTUONO (Rule #44): I rise under Rule 44 to discuss the already much discussed HB 298, an act to lower the level from .10 to .08. I am a cosponsor of that bill and I have been thinking a lot about that legislation and how we can get it moved off the table and have some action taken on it during this session. I would like any of my colleagues in the Senate who are opposed to this bill, to bring the points of why they are opposed to it, to me to discuss them. I have heard some various ideas that it could hurt the hospitality industry, that it doesn't address the real problem with the drunks on the road, and won't get them off the road. But I think there are good answers to all those arguments. If there are other arguments, I would like to know those, too, so that they could be effectively answered. But, certainly, the testimony in the committee was that when Maine voted their law in to move down to .08, there was, in fact, no effect on the net profit of the hospitality or the liquor industries, or the beer. And, with regard to the claim that this won't do anything to get the real drunks off the road, that is true, but it is always true that criminal laws do not deter one hundred percent. We have murder laws, but murders still get committed. That is no argument for getting rid of the laws, it just simply means that we should better enforce them. But the point, and the reason, for moving down to .08, I believe, is because it will have a tremendous impact on the aggregate public safety out on the highways. If you look at an average Friday or Saturday, you can probably guess that there might be ten or twenty thousand people out there actively drinking. And if only half of them decide to have one or two fewer drinks because of this law, there will be a tremendous impact upon the public safety on our highways. That alone should be reason enough to pass this bill. I think that the people of the state on this important issue have a right to know how their Senators feel and how they want to vote and that alone should be another reason to take this bill off the table and have a vote — up or down — on the record so everyone knows how every Senator feels about this bill.

RULE 44

SENATOR DELAHUNTY (Rule #44): Senator Colantuono has made mention, two or three times, in his presentation that there is a concern out there about the cost of profit that this proposal may cost the hospitality association. I don't think in any discussions that I have heard or ever heard that factor has come into my discussion or my thinking. Furthermore, I can honestly tell you that I have never, ever been contacted or solicited by anybody from the hospitality association or the malt beverage association, or anybody else, for my position on this particular legislation. I have been contacted by several chiefs of police in my district, several concerned citizens, and have had conferences with these people at different times, and tried to explain my position as to why I am opposed to knocking the alcohol level down to .08. Not opposed to taking it off the table and voting it up or down, because I agree that maybe we should do that and get it over with, one way or the other. I have been accused, and I think many of us have by the Union Leader, of being the bad guys and making sure that our voters know how we voted on this issue. But my position is this. I think at some point, we as legislators, may be going too far and may be intruding on the privacy of the lives of certain individuals. In this particular case, you may be hurting more people than you are helping. Because we have many law-abiding citizens who enjoy going out and enjoy having a drink or two drinks or three drinks or whatever, and they do fine and it doesn't necessarily impair their driving ability, and why should they be punished when people say the message is already out there. People are saying we are trying to get the message out. The message is out there now. The movement is in the right direction. The consumption of alcohol is going down. I agree that the people we are trying to reach, I don't think we are going to be able to reach with this legislation. I have been told by several that the legislation is intended or been proposed because the judges don't impose the current .10. If that is the case, then we should go after the judicial system. I just think, at some point, our society warrants being given credit for not being all that bad and not have us police their lives and try to tell everybody what we think is good for them and what we think they should do. I have seen no statistics and heard none that show me that passage of this legislation will be substantially meaningful. If there are some, I would be happy to listen to them, but nobody has told me or tried to tell me that dropping the alcohol level from .10 to .08 is going to make a major difference in how many lives that is going to save or what it is intended to do. The message is out there now. Your dealers, whether they be in the liquor industry or whether they be representatives or salesmen or restaurateurs or they run bars, or what

have you, the whole scene is going in the right direction. I don't think we are going to get any more of a message out there now than is out there and I don't think we are going to hit the people that we are trying to hit. But, I do appreciate what you are trying to do, I just don't think it is the right legislation.

RULE 44

SENATOR HUMPHREY (Rule #44): I disagree with the conclusions reached by Senator Delahunty, but I must say I respect him immensely for standing up to state his reasons in opposition to this bill. The bill has not been that much debated. It was tabled rather preemptorily, I thought, when it first came up. It was tabled to the surprise of at least this Senator and I think others, before we had had a chance to offer our thoughts. The only thoughts this Senator has had the opportunity to offer were under Rule 44 and again that is the situation again today. I would like to suggest that at the very least, the Senate owes that we members of the Senate owe it to our constituents to get this bill off the table and voted upon one way or another. The image that we project when we sweep under the rug or close in a closet a bill that directly relates to public safety and in which the public, by now over the last ten or twelve days have developed a substantial interest, is not a flattering image. So I would argue that we take it off the table, that we debate it fully. We have not yet had anything approaching a full debate. As to the bill itself, I think the recommendations of the Governor's Task Force to prevent impaired driving speaks for itself. And one of the cardinal recommendations is to reduce the legal blood alcohol level from .10 to .08. The Governor's commission is not alone in that recommendation. It is supported by the Presidential Commission on Drunk Driving. The American Medical Association, the National Highway Traffic Safety Administration, the National Safety Council, the United States Surgeon General, the National Committee on Uniform Traffic Laws and Ordinances, the American Spinal Injury Association, Mothers Against Drunk Driving. Earlier today, one of our colleagues cited the injury statistics related to fireworks. Well, I would like to cite the injury statistics related to drunk driving. I would like to suggest that people who are under the influence of alcohol and driving on our highways represent a vastly greater danger to public safety, including the welfare and the well being and the lives of innocent parties than do fireworks — vastly greater threat. I think the statistics bear out that contention. Mr. President, I want to cite the accident statistics in connection with alcohol related traffic accidents in our state over the last couple of years. These are alcohol related statistics for the years 1987, 88, 89 and 90. In 1987, 65 people died on our high-

ways in alcohol related accidents; 58 in 1988; 68 in 1989. Or, if you use the lower .04 level that we impose on commercial drivers, 73 died in alcohol related accidents in 1989; and in 1990, 56. It has been something of a rollercoaster, but always 50-60 plus people have died in alcohol related accidents every year. Oddly enough, I find that the state doesn't keep statistics in connection with alcohol related injuries. However, the total injuries in 1987 was close to 12,000. If you take the percentage of total fatalities related to alcohol, which is about 30 percent, and apply that to the total injuries, you come up with 3 or 4 thousand. That is pretty consistent, year in and year out, over the last four years. Three or four thousand people injured in alcohol related accidents. That far exceeds, as I understand it, the injuries in connection with fireworks. I am not suggesting that being injured by fireworks is any less unpleasant than being injured by a drunk driver. But, the point is the Senate took a very hardnosed attitude towards fireworks. I am just suggesting that we ought to do the same thing with regards to the blood alcohol level. I urge Senators to support taking this off the table, and I urge the Senate President to cast a vote on the question of whether to take it off the table. I urge the Senate President to take a leadership role in taking this off the table and passing it and enacting it into law.

RULE 44

SENATOR W. KING (Rule #44): I will be very brief on this but since Senator Humphrey has urged us to get up and state some of our reasons why we have kept this bill on the table, I would like to say that from the point of view of somebody who is working on the Senate Finance committee, I look at the House budget that was passed over to us where we are talking about having to find an additional \$40,000,000 that the House didn't fund to deal with issues like immunization, and Head Start that was funded. To deal with all the issues in the budget that we have had a terrible time dealing with. One of the reasons that we have had a terrible time, not only this year but in the past, in providing those kinds of preventive services that save money in the long run is because there are certain extraordinary costs that we must bear in government. And one of those is indigent defense. When somebody is charged with a misdemeanor, the state of New Hampshire, under the United States Constitution, is obligated to pay for that person's defense. This bill will have a significant affect on indigent defense costs to the state. Significant. So if you are willing to give up other things, as the Governor has suggested, just to make \$2,000,000 or \$3,000,000 worth or further cuts somewhere else, then you should vote to take this off the table. Or if you are willing to spend \$2,000,000 or \$3,000,000 more down to be paid

by property taxpayers, as the Governor has recently suggested, then you should vote to take this off the table. But until we deal with that issue, I am going to vote to keep it on the table.

RULE 44

PRESIDENT DUPONT (Rule #44): If I could just add a few more things, not to the .08, but about the budget, Senate Finance has agreed to sit downstairs for three days to allow the Senate the opportunity to express its opinion on the proposals that they are making. And as I have indicated in previous discussions that we have had, there is no greater crisis facing the state of New Hampshire at the present time and we as Legislators and the whole issue of what we are going to do with the state budget. So I again urge all of those who have an interest in working on the budget, constructively working on the budget, to try and spend some time with Senate Finance working with them to help put together a package that hopefully the Senate can show some leadership on.

RULE 44

SENATOR ST. JEAN (Rule #44): I would like to address HB 298. I have listened to Senator Humphrey and Senator Colantuono. What they have said bears some merit. I think the time has come when we ought to vote this bill up or down. I think it should be a time certain. A time certain is our next day in session. We will give our reasons why we oppose this legislation and those on the other side will tell us their side of the story. I don't think this ought to go on ad infinitum and the time has come that we vote it up or down on a roll call vote. So I would suggest that this Senator will vote to take it off the table for a time certain next week when we are in session.

Recess.

Out of Recess.

Third Reading and Final Passage

HB 62, an act relative to retirement allowances under the New Hampshire retirement system.

HB 137-FN, an act relative to railroad rights-of-way.

HB 154, an act relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county.

HB 171-FN, relative to maintaining the "Old Man of the Mountain" and relative to the Conway village fire district and making an appropriation therefor.

HB 193-FN, relative to lease-purchase agreements for district courthouses, meetings of the Auburn District Court, study committees on the district courts, and making a supplemental appropriation for renovation of the Rochester Post Office as a district court facility.

HB 243, relative to the number of signatures required to place a petitioned article on the warrant.

HB 248-FN, an act relative to developments having regional impact.

HB 328-A, relative to a new Manchester district court facility and making an appropriation therefor.

HB 349, an act relative to the charter of the New Hampshire Centennial Home for the Aged.

HB 391, an act to permit the adoption of impact fees as part of a zoning ordinance.

HB 434, an act relative to the procedure for planning boards to revoke approval of recorded plats.

HB 443, an act relative to shoreland protection and making an appropriation therefor and relative to pesticide applications.

HB 451-FN, an act relative to the licensing of residential care and health facilities and establishing a committee to study RSA 151:21.

HB 517, relative to watercraft safety and moorings.

HB 523-FN, an act relative to local cease and desist orders for zoning, planning and code violations.

HB 532, relative to the color of ballots used in municipal elections and relative to the time for holding town and district business meetings and elections.

HB 542, an act relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article.

HB 548, an act relative to the information required on checklists.

HB 577, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board and relative to the Pease development authority.

HB 581, an act relative to personal property of tenants.

HB 583, relative to carrying pistols and revolvers,

HB 603-FN, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts and establishing a commission to study and recommend elimination of state-mandated programs.

HB 610, establishing a committee to study means of approving programs for collecting the fines and fees imposed by the state.

HB 621, an act relative to voting by absentee ballot.

HB 633, an act to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes.

HB 691-FN, an act relative to licensing and certification of real estate appraisers and licensing private detectives.

HB 720-FN, relative to fireworks.

HB 736-FN, an act relative to energy facility siting, licensing and operation.

HB 754, an act relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes.

HB 757-FN, an act repealing the law relative to employment offices.

Senator Delahunty moved that the business of the day being completed, the Senate recess to the Call of the Chair for the sole purpose of Enrolled Bill reports.

Adopted.

Recess.

Out of Recess.

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, May 28, 1991 at 10:00 a.m.

Adopted.

LATE SESSION

Senator Delahunty moved to adjourn.

Adopted.

Adjournment.

May 28, 1991

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray. Lord, we memorialize all those who gave their lives in all the wars in the history of our country. Especially the five honored dead from New Hampshire in the Persian Gulf, the most recent conflict. Now to our own problems. The budget and all other legislation which need to be settled. Bless us Lord, as we worry through them!!!

Amen.

Sen. J. King led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT DUPONT: We are honored today to have a special guest. I would like Senator Disnard to do the introduction at the present time.

SENATOR DISNARD: Thank you, Mr. President, fellow Senators. It is my distinct honor to introduce to us the former Senator from Massachussetts. He has thrown his hat in the ring as President of this great country, Senator Paul Tsongas.

PRESIDENT DUPONT: Senator, we appreciate your joining us today. We also, I think as a state, appreciate your getting our Presidential primary moving. We've been somewhat lonely in New Hampshire because of the lack of activity and we certainly appreciate your willingness to get the others started. Senator Tsongas, if you would like to address the body, we usually allow the courtesy to our Presidential candidates to have the opportunity, if you would like to give us a couple of minutes, we would certainly allow you the opportunity.

SENATOR PAUL TSONGAS: Good morning. I am used to standing in the Senate President's Chair looking out at Gordon Humphrey, it's the rest of it that doesn't compute quite yet. I hope to have that experience again in a different capacity. I, as you know, am running. I am pleased that Tom Harkin will be here today, and others have finally begun the process. Because I think that the country needs a good debate. And the fact that the Democratic party seems reluctant to be engaged, I don't think it's a plus, so this kind of activity is very important. I have written a paper which goes into my positions in some detail which I know some of you have received and some of you have not. I'll make sure that you all get a copy, but the major thrust of my candidacy is economics. I think part of the problems that you are having here on the budget that we have had in Massachussetts and New York dealt with late last night, is the fact that the manufacturing base in this part of the world, in our country, has eroded, and we are simply not competing with Japan and Germany. The result of that long term is economic decline. That is the funda-

mental message that I try to bring around the country. We will be spending time not only in New Hampshire, but in Iowa and the rest of the country. I think particularly my party which has never come to grips with the need to look at business as an ally and to take a pro-job, pro-business posture, is really going to be a lot of tugging and pulling until we recognize that in order to be pro-jobs, you must be pro-business. And that only with an expanding economic pie can we afford to have the programs that we care about. That is the basic thrust, that is the message. Without losing the core, if you will, of what our party has stood for. But if we don't have a vibrant, thriving economy in this country, everything else is going to fall apart. The way that I try to describe it is, if you think of the countries as a set of dominoes in which education and those kinds of things, the programs that we care about as the last dominoes. The first domino is manufacturing. When manufacturing falls, then service industry falls, banking, all those kinds of things and everything that goes with it. So if you want to bring our programs back, you start at the very beginning and deal with manufacturing and you make it thrive, and give them the fundamentals so that they can compete, and the rest of it in my judgment will follow suit. If you allow manufacturing to fall away, then long-term, there is nothing in my judgment, but more and more agony as we try to deal with diminished revenues. And you certainly have been through that in this state. And Massachusetts as you know, has been through even worse. And I would hope that within my party, that there would be recognition of this reality, that on the other side, the Republican party would recognize the need to be a partner with business if we are in fact to be competitive long term. So I appreciate your allowing me to speak out and not attempt a takeover, but I'll look forward to seeing a lot of you in the next year or so. Thank you.

PRESIDENT DUPONT: Before we get started this morning, there are a couple of things that I wanted to talk to you about and it is obvious as we try to wind down the session, we have had many discussions prior to this about where we are headed in the budget debate. There is a piece of information that I just asked to be handed out. Members of Senate Finance and Ways and Means have seen this document. While I don't put before you a solution, the document spells out what some of your choices will be as you move forward in the next couple of days to try and resolve the budget problems that face the body. As I have indicated to many of you, I think it is not only in our state's best interest, but in the people of the states best interest that we have a budget solution. That the Senate has got an opportunity to demonstrate some leadership, and that as we move forward during the next couple of days, some of the choices before

you will be unpalatable. But I would hope that the Senate would be able to come to an agreement on a budget that is balanced, because I for one am adamant that the Senate will ultimately adopt a budget that is in balance. There are three choices before you, obviously there has been some discussion about sending the Governor his budget. Send the House budget to the Governor or the Senate budget. I think that we all have some problems with those two choices, so what remains for this body to do is agree on a budget that it in fact can support. Yesterday Ways and Means met as a result of the adoption by the Senate Finance committee of a budget as the result of the Ways and Means actions yesterday, you have a budget that is coming in tomorrow and unless additional action is taken, that is approximately \$165,000,000 out of balance at this point in time. I bring that number to you because I think that we are obviously at a point in time where we need to focus and we all want to go home for the summer. Before we are going to be able to go home, we have got some difficult decisions that are going to need to be made. The document in front of you doesn't propose a solution, what it gives you is your choices. Those choices include, obviously, further amending the Senate budget, reducing it if that is what the body so desires, but ultimately, when you look to solutions as I have indicated earlier, they are all palatable. I am palatable, Ways and Means will be meeting again this afternoon to try and come up with some agreement on the rest of the revenue package. But I would just caution that tomorrow is going to be a long day and you should all plan on being here well into the evening hour before we get to the point where we can go home. So that is just a snapshot of where you are at, where we are at as a body, and I assure you that tomorrow will be an interesting day for all of us.

HOUSE MESSAGES

The House of Representatives concurs with the Senate in its amendment to the following entitled Bill sent down from the Senate:

HB 107-FN, eliminating registration fees for class AA dams.

SENATE CONCURS WITH HOUSE AMENDMENT

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 191-FN, relative to fines and to loss of driver's license and plates for court defaults.

Senator Oleson moved concurrence.

Adopted.

SENATE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 161-FN, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system.

Senator Delahunty moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Delahunty, Nelson, Bass.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kathleen Ward, Arnold Shibley, Robert Wheeler, Janet Pelley.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 463, relative to rulemaking for the board of education.

Senator Disnard moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Delahunty, Currier.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Patricia Skinner, Nils Larson, Robert Guest, Bert Teague.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 563-FN, relative to the creation of trust funds and relative to unanticiapted school funds.

Senator Disnard moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Hough, J. King.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Susan Carter, Kathleen Hoelzel, Albert Caswell, Patricia Brown.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 462, relative to special education hearing officers.

Senator Disnard moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Hough, Humphrey.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kathleen Hoelzel, John Laurent, Leo Spencer, Gordon Flint.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 509, clarifying the definition of public benefit relative to permitting solid waste facilities.

Senator W. King moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Russman, Currier.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Scanlon, Rick Trombly, Jeb Bradley, Dan Burnham.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 576-FN, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

Senator Delahunty moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Delahunty, Blaisdell, Bass.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Patricia Fair, Richard Kruger, Dana Christy, Anthony Syracuse.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 648-FN, relative to the industrial development authority and the housing finance authority.

Senator Bass moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Dupont, Shaheen, Bass.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Elizabeth Hager, Channing Brown, Merle Schotanus, Charles Vaughn.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 713-FN, relative to the general counsel of the public utilities commission.

Senator Currier moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Colantuono, Pressly.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William Boucher, Beverly Rodeschin, Kathleen Ward, George Letourneau.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 142-FN, relative to school district budgets.

Senator Disnard moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Heath, Humphrey.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Patricia Skinner, Jacquelyn Domaingue, Stanley Searles, Charles Yeaton.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 250-FN, relative to the board of nursing.

Senator Currier moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Fraser, Pressly.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Merton Dyer, Gerald Gosselin, Kathleen Ward, Ann Torr.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 274-FN, relative to sentencing to county correctional facilities.

Senator Podles moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Podles, Colantuono, Nelson.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Lee Lozeau, Kent Martling, Alice Record, David Cote.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 283-FN, establishing a study committee on the problems of New Hampshire banks and financial institutions.

Senator Fraser moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, Delahunty, Disnard.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bonnie Packard, Anthony Syracusa, Eric Lindblade, Philip Rodgers.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 323-A, relative to the Cheshire Bridge and making an appropriation therefor.

Senator Nelson moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Nelson, Disnard, Fraser.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler, Beaton Marsh, Merle Schotanus, Roland Frechette.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills and Resolutions sent down from the Senate:

HB 111, relative to protective well radii.

HB 147, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates.

HB 257, relative to collection and reclamation of motor vehicle wastes.

HB 276-FN, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services.

HB 282-FN, relative to the BOCA Basic Building Code and the Life Safety Code and relative to property located at former Pease Air Force Base.

HB 429, relative to the salaries of county attorneys and relative to prior service as an employee of a political subdivision.

HB 571-FN, relative to multiple-employer welfare arrangements.

HB 579, relative to municipal charters.

HB 660-FN-A, establishing a highway and bridge betterment program and continually appropriating the highway and bridge betterment account.

HB 674-FN, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers.

HB 704, relative to liquidation under the supervision of the bank commissioner.

HB 742-FN, relative to excavation.

HB 750-FN, establishing a committee to study the development of a waste-tire management program.

HJR 4, relative to providing access to Flat Mountain Pond for members of the public.

SENATE REFUSES TO CONCUR WITH HOUSE AMENDMENT

REQUEST COMMITTEE OF CONFERENCE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 42-FN, relative to the board of podiatry.

Senator Currier moved noncurrence, and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Colantuono, Blaisdell.

NOTICE OF RECONSIDERATION

Senator Shaheen moved **Reconsideration** on HB 62, relative to retirement allowances under the New Hampshire retirement system.

Senator Delahunty moved to Have HCR 14, adopting joint rules relative to committee of conference, Laid On The Table.

Adopted.

HCR 14, IS LAID ON THE TABLE.

Recess.

Out of recess.

COMMITTEE REPORTS

HB 502-FN-A, an act relative to child care resource and referral systems and making an appropriation therefor. Finance committee. Ought to Pass with Amendment. Senator Hough for the committee.

SENATOR HOUGH: The amendment to HB 502 is presented by the Finance committee and it represents changes supported by the bills sponsor, the Department of Health and Human Services, provided Representatives and the Office of the Governor. The changes allow us to move forward in developing a plan to implement child care resources and referral services in New Hampshire. As written HB 502 now allows the development of these services within the context of a public, private partnership. The responsibility of planning functions has been moved from the Division of Public Health Services to the Department level. The Child care coordinator within the office of the Commissioner will work with the business and require the communities to meet the requirements of this legislation. We believe that this amendment provides us with an opportunity to support your children and their families in a manner that is feasible and economical. The fiscal note has not been eliminated as the current level of funding for these services will continue and additional sources of funding both public and private will be identified through the planning process and we urge that you adopt the committees' amendment and pass the bill.

Amendment to HB 502-FN-A

Amend the bill by replacing all after section 1 with the following:
2 New Section; Child Care Resource and Referral Services Established. Amend RSA 170-E by inserting after section 5 the following new section:

170-E:5-a Child Care Resource and Referral Services. The department of health and human services shall develop and implement a plan for child care resource and referral services which shall have the following responsibilities and duties to the public:

I. Provide referrals to a variety of licensed child care options which meet the parent's or guardian's child care needs.

II. Provide information on child care subsidies, including public and private program eligibility requirements and on tax credits and employer options.

III. Provide counselling on selecting quality child care and early childhood issues.

IV. Provide information on training opportunities for parents, guardians, and child care providers.

V. Provide assistance to state agencies in seeking child care for such agencies' clients.

VI. Provide information to parents, guardians and providers through workshops, provider groups, and library resources.

VII. Provide assistance in seeking funding for local providers to develop and improve child care services.

VIII. Provide start-up assistance to prospective center and family day care providers.

IX. Provide information on child care supply and demand data.

X. Provide technical assistance to employers and public and private sector decision-makers to support their efforts to expand and improve quality child care in New Hampshire.

XI. Establish a resource library for parents, providers, employers and the public which includes information on child development, child care options, licensing, model programs, employer options, and other related topics.

XII. Recruitment of, and technical assistance to, existing and prospective local child care providers to encourage the development of special needs child care, protective child care, subsidized child care, mildly ill child care and second-shift child care.

3 New Subparagraph; Rulemaking. Amend RSA 170-E:34, I by inserting after subparagraph (g) the following new subparagraph:

(h) Establishing, maintaining, and directing a system of child care resource and referral pursuant to RSA 170-E:5-a.

4 Appropriation. The sum of \$1 is hereby appropriated to the department of health and human services for the biennium ending June 30, 1993, for the purposes of this act. Half of such appropriation shall be distributed equally among qualified child care resource and referral agencies. The department is authorized to accept and expend federal and private funds that may be available for the purposes of this act. This appropriation is nonlapsing and is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect September 1, 1991.

AMENDED ANALYSIS

This bill requires the department of health and human services to establish, maintain, and direct a system of child care resource and referral services.

This bill appropriates the sum of \$1 to the department of health and human services.

Amendment Adopted.

Ordered To Third Reading.

HB 768-FN, an act relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits. Finance committee. Ought to Pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: This is just a policy bill that was sent down to Senate Finance. After receiving it, the Department of Employment Security had some rule changes and some procedural rules clarifying language. Senate Finance looked at it and said that it was fine. We hope that you will pass it.

Adopted.

Ordered To Third Reading.

HB 700-FN, an act relative to highway planning corridors. Transportation committee. Ought to Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill authorizes state and local units of government to create highway planning corridors within public highways that are designated and layed out in the near future and to impose temporary development restrictions upon the land within these corridors. This bill was sent back to committee the other day and it is now back before you as Senator Shaheen had some questions, and I will assume that she will address those after I sit down.

SENATOR SHAHEEN: I have done a fair amount of research on this bill and I understand the reason behind the bill. I do think that there are legitimate concerns that it is trying to address. But the one question that I still have on it, is the fact that there is no appeal process in the bill for people who's land is going to be designated as an official corridor. While I recognize that the process right now doesn't have an appeal, it seems to me that if we are creating new legislation that is going to be better than what exists, that there ought to be an appeal process. Senator Currier has pledged that he will work with me on setting up an appeal process in the bill, and I think that would make it a much better piece of legislation.

SENATOR HEATH: Senator Shaheen, if this bill passes here, where would be the opportunity to put an appeal process in here?

SENATOR SHAHEEN: Well, we have two options as I understand. One, would be to table the bill until we can get an amendment, which would include an appeal, the other would be to pass it and to come in next session with a bill which would provide for an appeal.

SENATOR HEATH: Yes, I rise in opposition. The appeal process that is missing clearly makes this bill unconstitutional. But this bill has a lot of other problems. The unconstitutionality is it is a taking without the proper eminent domain proceeding as we've always done and it is a pretty capricious taking. What will happen if it is enacted, it will go out to the communities and they will start using it, and then by the time the process has gone through a court sys-

tem, five to ten years down the line, each community that has used this, will have enormous liabilities, because they will have shadowed land for that many years. And if you remember any of you, the Conway Water Slide situation where the town of Conway essentially did the same kind of thing that would be rampant under this. They not only had to pay for all the business the person that was proposing the water slide would have done in the years that he couldn't do it, they had to pay all of his appeals to the Supreme Court, and the appeals on the Attorney fees to the Supreme Court, and other damages. That cost the town of Conway millions of dollars that went for nothing. It didn't improve anything in the town, it was just a waste of taxpayer's money. But the dangerous part beside that liability, is that it is an invitation to corruption. It is not intended that way, it just works that way. In small towns it is an invitation for people to take useless property and turn it into a sale on the town. By them applying for ridiculous and nonsincere uses on the land, and it would only take a collusion of a selectman or councilman and the landowner to work a deal. Finally, it is a tool that will be greatly abused by the minority, but heavily active and absolutely no roads in our town community. They can overshadow anything that they see coming, by laying a highway corridor and essentially rendering somebody's land useless for great lengths of time without any compensation to the individuals and it shouldn't be. Planning should be done in a straightforward manner and not this way. I would urge the Senate to defeat this, and let those people who well intentioned wrote this, flesh it out, and get the flaws out of it, and come back with something vastly improved for our consideration the next session. I think that it can be done, and I would urge this body to take this very flawed bill, and put it aside for now, until those people can put flesh on the bones and get rid of the broken bones that are in this.

SENATOR PRESSLY: I fully appreciate the arguments that have been put forth by my two colleagues, and I think that they do have a valuable point and a valuable concern. Where I think their concern is though, however, has to do with eminent domain proceedings and not this planning technique, and therefore, I am rising in support of this bill and supporting Senator Shaheen and her idea of coming back next session with a specific appeal process. It would be my hope that that appeal process would apply not only to HB 700, but would apply to the remarks that Senator Heath is making as far as the eminent domain proceedings in general. Therefore I rise in urging the body to support this bill, and also making a commitment to Senators Shaheen and Heath, that I will work with them over the

summer to see that next session that we do come in with an appropriate appeal process to accommodate their concerns. Thank you very much.

Senator Delahunty moved to have HB 700-FN, Laid On the Table.

Adopted.

HB 700-FN, IS LAID ON THE TABLE.

Senator Heath opposed to HB 700-FN.

Recess.

Out of recess.

HB 136-FN, an act relative to current use assessments and the land use change tax. Ways & Means committee. Ought to Pass with Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: This bill essentially was a culmination of apparently a year or so study with the House doing a lot of work on it, relative to a revamping of the current use land tax. The Senate had a sub-committee of Susan McLane and myself and we went back to the committee and I believe it was passed unanimously the committee and what it does simply is it makes forestry management, encourages forestry management, but it doesn't require it. Which is one of the things that was a sticking point when it came over here. We hope that you will support the bill.

Amendment to HB 136-FN

Amend RSA 79-A:1 as inserted by section 2 of the bill by replacing it with the following:

79-A:1 Declaration of Public Interest. It is hereby declared to be in the public interest to encourage the preservation of open space [in the state by], **thus** providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, [by] maintaining the character of the state's landscape, and [by] conserving the land, water, forest, **agricultural** and wildlife resources. It is further declared to be in **the** public interest to prevent the [conversion] **loss** of open space [to more intensive use by the pressure of] **due to** property taxation at values incompatible with open space usage[, with a minimum disturbance of the concept of ad valorem taxation]. **Open space land imposes few if any costs on local government and is therefore an economic benefit to its citizens.** The means for encouraging preservation of open space authorized by this chapter are the assessment of land value for property taxation on the basis of current use and the acquisition of discretionary easements of development rights by town or city governments. **It is the intent of this**

chapter to encourage but not to require management practices on open space lands under current use assessment.

Amend RSA 79-A:2, VII as inserted by section 3 of the bill by replacing it with the following:

VII. "Forest land" means any land growing trees as determined and classified by criteria developed by the state forester and adopted by the board. For the purposes of this paragraph, the board shall recognize the cost of responsible land stewardship in the determination of assessment ranges.

Amend RSA 79-A:2 as inserted by section 3 of the bill by deleting paragraph VIII and renumbering the original paragraphs IX-XV to read as VIII, IX, X, XI, XII, XIII, and XIV respectively.

Amend the bill by replacing section 8 with the following:

8 Assessment of Open Space Land; Valuations to be Equalized. Amend RSA 79-A:5, I to read as follows:

I. The selectmen or assessing officials shall appraise open space land as classified under the provisions of this chapter, excluding any building, appurtenance or other improvement [thereon] **on the land**, at valuations based upon the current use values established by the board. **The valuations shall be equalized for the purpose of assessing taxes.** The selectmen or assessing officials shall use the soil potential index when available, to determine the value of farm land within the ranges established by the board. It shall be the duty of the owner to provide the soil potential index to the selectmen or assessing officials.

Amend the bill by replacing section 12 with the following:

12 New Paragraph; How Long Land is Assessed at Current Use Values. Amend RSA 79-A:7 by inserting after paragraph I the following new paragraph:

I-a. Land which is classified as open space land and assessed at current use values shall be assessed at current use values until a change in land use occurs pursuant to RSA 79-A:7, IV, V, or VI.

Amend the bill by replacing section 16 with the following:

16 New Subparagraphs; When Land Use Not Considered Changed. Amend RSA 79-A:7, VI by inserting after subparagraph (b) the following new subparagraphs:

(c) Land accorded current use assessment in one category is changed in use to any other qualifying category.

(d) Land under current use assessment is eligible for conservation restriction assessment pursuant to RSA 79-B. Such land shall then be allowed to change from current use assessment to conservation restriction assessment with no land use change tax being applied.

Amend the bill by inserting after section 16 the following and renumbering the original sections 17-26 to read as 19-28, respectively:

17 New Paragraph; Notice to Municipality. Amend RSA 79-A:7 by inserting after paragraph VI the following new paragraph:

VII. When land which is accorded current use assessment in one category is changed in use to any other qualifying category as provided in subparagraph VI(c), the owner of the land shall notify the local assessing officials in writing of the change in use at the time that the change in use is made. If a land owner fails to provide the notice required under this paragraph, he may be fined not more than \$50 at the discretion of the town or city.

18 Golf Course Land Defined. Amend RSA 79-A:15, III to read as follows:

III. If the land is used for a golf course, the board shall give due consideration to the application. If an owner submitting such an application is not granted a permit, the board shall issue a written explanation of the denial. **For the purposes of this subdivision, and based on open space objectives, golf course land means a parcel of land, 10 acres or more, used in the playing of the game of golf including greens, fairways, tees, sand traps, and roughs, and such other areas which are located within the established playing area, as determined and classified by criteria developed and adopted by the board.**

Amend the bill by replacing section 26 with the following:

26 Repeal. The following are repealed:

- I. RSA 79-A:5, V, relative to rulemaking.
- II. RSA 79-A:15, IV, relative to golf courses.

AMENDED ANALYSIS

This bill makes a number of changes in RSA 79-A, the current use tax law, based upon the recommendations of the legislative study committee on current use. These changes include:

(1) Changing the current use advisory board to the current use board and amending its number, powers, and duties. The board is administratively attached to the department of revenue administration.

(2) Rewriting the definition section, especially those definitions which relate to types of land which qualify for current use assessment.

(3) Requiring that current use valuations be equalized for tax assessment purposes.

(4) Specifying that a notice of contingent lien be filed with the register of deeds when land is classified as current use land.

(5) Clarifying provisions relating to the land use change tax including the form of the tax bill, when the tax bill is to be sent, and adding notice requirements when land is changed from one qualifying use category to another qualifying use category.

(6) Defining when land is eligible for current use assessment.

(7) Requiring the current use board to reclassify all land now under current use assessment under the new classification system.

(8) Reorganizing certain rulemaking provisions.

Amendment Adopted.

Ordered To Third Reading.

HB 143-FN, an act relative to the liquor commission's authority to close liquor stores. Ways & Means committee. Ought to Pass with Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: The committee looked at this bill and made a few changes to it as it came over to the Senate. One of the things was the House had left out the idea that there was still a goal of the Liquor Commissioner to maximize profit among other things. I mean that was literally left out and we thought that that was still an important reason for their being, it may be the only one in certain instances. In any event, that is the reasonable standard that the commission must use in determining whether or not and how to go about the process of unprofitably and other things in determining whether or not a state liquor store should be closed. It clarifies that so that we don't have the politics that were played apparently last year in terms of which stores to actually close.

Amendment to HB 143-FN

Amend RSA 176:3 as inserted by section 1 of the bill by replacing it with the following:

176:3 Duties. The primary duties of the liquor commissioners shall be, to maximize revenues, to maintain proper control, and to be solely responsible for the efficient and effective operation of the commission, **as provided under this title.**

Amend RSA 177:2, I as inserted by section 2 of the bill by replacing it with the following:

I. The commission shall close any state liquor store which has been in business for a reasonable period of time which is not producing a **net operating** profit [or which is producing only a marginal profit]. The commission shall have the authority to close any [such] state store [whether the decision to open such store was made by the commission or the legislature] **which has not produced a net operating profit for the most recently concluded fiscal year. To close a profitable store, the commission shall obtain fiscal committee and governor and council approval. In determining net operating profit or loss the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall**

include an allocation for indirect costs. All information regarding a decision to close any state liquor store shall be made available, by the commission, to the public upon request.

Amendment Adopted.

Ordered To Third Reading.

HB 299-FN, an act relative to the posting of statements in liquor stores and establishments selling beverages and liquor. Ways & Means committee. Ought To Pass. Senator J. King for the committee.

SENATOR J. KING: HB 299 is a very important, concise bill. And all it does is request that the places that sell liquor or beverages and to post a statement saying that it could be dangerous to the health of a pregnant woman and I think that it ought to pass.

Adopted.

Ordered To Third Reading.

HB 322, an act relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes. Ways & Means committee. Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This bill is not the bill that you have been waiting for to put up taxes. This is in the words of Stan Arnold a collection of housekeeping amendments to clarify and tend about application of existing laws'. It allows financial institutions to receive and process tax returns. The so-called 'lock-box arrangement', which will enable them to collect taxes more efficiently and for less money. The amendment has been put in to modify existing law, which limits development districts which have been limited to ten acres. And that a city or town can make it a tax increment finance district. It was limited to ten acres. And there are two developments, one going in for Health Source North which was over ten acres and it was important that that small section be amended to allow for larger developments than ten acres, and so that cities and towns could make tax arrangements, tax increment districts.

Amendment to HB 322

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certain state taxes and municipal economic
development and revitalization districts.

Amend the bill by replacing section 10 with the following:

10 Establishment of Development Districts. RSA 162-K:5 is repealed and reenacted to read as follows:

162-K:5 Establishment of Development Districts. Upon a finding that such action will serve public purposes, the legislative body of the municipality may create within its jurisdiction a special district or districts known as development districts. Not less than 60 percent of the area of any development district shall consist of land which has been platted and developed. The legislative body shall describe the district by its boundaries and the properties therein and shall show the development district boundary on a plan entitled "Proposed Development District (municipal name), New Hampshire." When adopted by the act of the legislative body of the municipality, the plan shall be recorded with the municipal clerk.

11 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Updates the reference to the United States Internal Revenue code in the business profits tax.

(2) Updates references to the definition of manufactured housing in the real estate transfer tax and in the homestead exemption.

(3) Clarifies, for real estate transfer tax purposes, that a transfer of title between spouses is exempt when pursuant to a divorce decree.

(4) Changes the notice required to a retailer or taxpayer under the communications services tax.

(5) Adds new provisions relative to the duties of the commissioner of revenue administration and the confidentiality of department records.

(6) Amends the requirements for establishing development districts in municipalities.

The sections of the bill relative to state taxes and their administration were requested by the department of revenue administration.

Amendment Adopted.

Ordered To Third Reading.

Senator Heath opposed to HB 322.

HB 334-FN, an act relative to the establishment of agency liquor stores. Ways & Means committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: This bill authorizes what is called agency stores. The important parts of it are that the agency store would only be in a town that has voted in favor of the idea of it. It would not

be in a town where there is a state liquor store so that would rule out obviously, a number of the larger towns. And also, we made an amendment that it would not be within eight miles of another agency store. And indeed if an agency store went in and it was doing well, the state could not put in a state liquor store to hurt that agency store once it was established. So that would protect them both ways, and so the committee would ask that you adopt the bill.

SENATOR DISNARD: Senator Russman, I noticed that there was no protection in this for the small store owner, someone not so large as a chain. In the liquor commission presently, they will locate a store where they can have the least amount of rent to pay, this is where they get some of their profit. I am concerned they're saying arguments for the whole chain of liquor stores. I don't know what you may say to them, it is a small town that may have priority for having a liquor store located in their area. I am concerned that the small store wouldn't have an equal access, can you answer that, why you wouldn't include that in here?

SENATOR RUSSMAN: Well, what we did try to do, was make it so at one point the commission wanted to have one agency store period per a certain location. Let's say in a town, while I personally may think that the eight miles is a bit far apart, the idea was, and it is in the bill as it now appears, so to allow for more than one agency store, so that there wouldn't be a decision. I mean that anybody that applied could in theory, get one. So if I think that I understand your question right, if you're saying a mom and pop grocer wanted to apply to be an agency store, they certainly could apply. I don't see why they couldn't.

SENATOR DISNARD: Senator, I am concerned, would you believe? I am concerned that the chainstores would be able to entice the liquor commission to allow them to do this rather than the average store have an equal opportunity, even to enlarge the average store. I am concerned that the bigger they are, the better the opportunity they have to get this business is my concern.

SENATOR RUSSMAN: I would share your concern. But I would hope that the commission, I hope that they would hear by the comments made by yourself and by others perhaps, that would not happen. That there should be some equality in terms of who are they going to favor in terms of this store or a chain.

SENATOR HEATH: Senator Russman, earlier in another bill, you said that it was a goal to making the liquor stores profitable? I wondered why you would prohibit an agency within eight miles of a state liquor store when you wouldn't have the same prohibition between two liquor stores within eight miles?

SENATOR RUSSMAN: No, the amendment says, and I think that I can read that to you, the provision for that: 334 section C. Neither the proposed agency liquor store or any state liquor store is within eight miles of an existing state liquor store or an existing agency liquor store. I don't know if that answers your question or not.

SENATOR HEATH: So that parallel structures the eight mile distance?

SENATOR RUSSMAN: It's eight miles, right.

SENATOR HEATH: Eight miles between any?

SENATOR RUSSMAN: Yes.

SENATOR HEATH: Why wouldn't instead of making those restrictions, why wouldn't it be better to do with what we did with wine and let those who want to go into that business, go in. And if they succeed the state derives some revenue. And essentially don't they run the capital risk of setting up the liquor section and going through the agency and the rules and restrictions in terms of sealing it off in certain hours, and so on. And just let the free market operate and see if that brings in the kind of revenues that will allow us in some cases to maybe close state stores. And in other cases people will get in and get out when they realize that they are not making any money. Why wouldn't that be the best way to do it?

SENATOR RUSSMAN: Well, let me say this: that personally I share your view on that, that I think that just like the supermarkets, it's just like having one gas station every eight miles, we don't do that, but there were some members of the committee that I think there was a genuine concern about the state perhaps going too fast in that direction. I'm not sure if it is well-founded or not, but in reality this obviously, is a step toward potential privatization in the long run. I think that there were some members in the committee that were somewhat concerned about how fast we ought to move in that direction. I don't know if that answers your question or not.

SENATOR HEATH: But isn't this the same kind of toe-in-the-water attitude that we heard with the wine thing and didn't wine sales boom after those were allowed in the grocery stores?

SENATOR RUSSMAN: I tend to agree with you. I think that this could, what you are suggesting would probably increase sales. There were issues by other members of the committee that were raised concerning how fast we should move in this area and whether or not indeed that you do better having one agency store every so many miles. Originally the bill called for every ten miles. We brought it down to eight miles and that is where it now sits. And it would not

surprise me, if this bill ends up in a Committee of Conference because it is a somewhat novel idea obviously. All I can say is that I share your views, but the committee as a whole voted not to do that.

SENATOR HEATH: Thank you.

SENATOR COLANTUONO: Senator Russman, did the committee take out the language in the bill requiring the residency requirement? And also, the requirement that the licensee only be approved to establish one retail store?

SENATOR RUSSMAN: To be honest with you, I am not sure. That did not come up in discussion yesterday. I would have to defer to others, and again I suspect that this bill will end up in a Committee of Conference, and I assume that if there are any other objections that they would be addressed at that time.

Amendment to HB 334-FN

Amend RSA 177:9 as inserted by section 2 of the bill by replacing it with the following:

177:9 Agency Liquor Stores. The commission may license persons to operate agency liquor stores on an annual or seasonal basis for the purposes of selling liquor in sealed bottles, containers or original packages to be consumed off the premises.

Amend the introductory paragraph of RSA 177:10 as inserted by section 3 of the bill by replacing it with the following:

177:10 Rulemaking. The commission shall adopt rules approved, under RSA 541-A, relative to the selection and operation of agency liquor stores. These rules shall apply equally to all stores, except those generally licensed under RSA 177:14 and shall include, but shall not be limited to the following:

Amend RSA 177:11 as inserted by section 3 of the bill by replacing it with the following:

177:11 Location of Agency Liquor Stores.

I. The commission may license an agency liquor store only when the following requirements are met:

(a) The proposed agency liquor store is located in a municipality which has voted in favor of the operation of state liquor stores under RSA 175:7.

(b) The proposed agency liquor store is located in a municipality where there is no state liquor store.

(c) Neither the proposed agency liquor store nor any state liquor store is within 8 road miles of an existing state liquor store or an existing agency liquor store.

II. The commission may not replace a state liquor store which closes with an agency liquor store, unless the state liquor store was closed under the provisions of RSA 177:2.

III. In the event that a proposed agency liquor store will replace a state liquor store, the commission shall make reasonable efforts, through rules adopted under RSA 541-A, to protect the positions of state employees.

IV. The commission shall issue a license for an agency liquor store within a municipality by the following procedure:

(a) The commission shall, in accordance with RSA 541-A, give public notice that agency liquor stores may be established in a particular municipality. The commission shall request all parties in the municipality, interested in establishing an agency liquor store there, to apply to the commission.

(b) The commission shall provide all applicants with the necessary information for the establishment of agency liquor stores.

(c) Upon receipt of all applications for agency liquor stores licenses in a municipality, the commission shall notify the municipal officers of that municipality of the proposed location of each applicant at least 15 days before the final selection of an applicant or applicants by the commission.

(d) The commission shall issue a license to all persons qualifying under the commission's rules.

(e) The commission shall notify any applicant denied a license the reasons for the denial by certified mail to the mailing address given by the applicant in his application for an agency liquor store license.

V. Any applicant aggrieved by a decision made by the commission may appeal the decision in accordance with RSA 541.

Amend RSA 177:14, II as inserted by section 3 of the bill by replacing it with the following:

II. The commission shall determine the appropriate locations for the stores and the appropriate 6 consecutive months based on the seasonal tourist population and the sales volume at existing state and agency liquor stores in the same areas.

AMENDED ANALYSIS

This bill allows the state liquor commission to license agency liquor stores in municipalities which have no state liquor store.

Senator Colantuono moved to Have HB 334-FN, Laid On The Table.

Motion Fails.

Question is on the Committee Amendment.

Senator Roberge requested a division vote.

Recess.

Out of recess.

Senator Roberge withdrew her motion for a division vote.

Committee Amendment is Adopted.

Senator Russman moved to Have HB 334-FN, Laid On The Table.
Adopted.

HB 334-FN, IS LAID ON THE TABLE.

HB 680-FN an act relative to manufactured housing on the land of another. Ways & Means committee. Senator Hollingworth for the Majority. Senator Colantuono for the Minority.

SENATOR HOLLINGWORTH: The committee on Ways and Means would like to ask the Senate to move Ought to Pass on this legislation. This legislation attempts to close a loophole in the law. In 1955 the legislation that would allow taxes on property that was left on the land of another to be assessed by the owner of the land when the true owner of the personal property did not pay the taxes that were due. We changed the law, and made mobile homes real property. And either they are or they aren't! This is a piece of legislation that would clear that up. It was classified as real property, and we never cleared up the part that the land would be taxed. Under current law if an owner of manufactured housing within your . . . if you owned a manufactured house within your manufactured park, I would be taxed on the value of my house, and you would be taxed on the land that comprised the park. If I did not pay my property taxes, then the property owner would have to be faced with a lien from the town on the park. This means that in order for the lien to be removed, the park owner must pay the taxes for the homeowner or the homeowners who are delinquent in their payment or the homeowners who are delinquent. Because of the burden, and the unjust placement upon the park owner, the need to recover this money as rapidly as possible. Park owners commonly give the manufactured housing owner, 30 days to repay the money, or face eviction. This practice differs from the eviction practices in other liens placed on other types of housing. We heard testimony that in one of the parks, 24 homes would be asked to be evicted by the park owner, because of one home failure to pay the taxes. Besides being grossly unfair, this taxation practice threatens to stifle the best source, and the last source of affordable housing. Many manufactured housing parks are converted over to corporations to allow better and more affordable control of their housing cost. These parks are largely financed on balloon payments. If a lien is placed on a manufactured house park, because one of the homeowners within it is delinquent, this park would be jeopardized. We hope that you will support passage on this

legislation. It was supported by both the park owners, and the mobile home owners, as well, and we think that this is a good piece of legislation.

SENATOR NELSON: Senator Hollingworth, on page two of the bill on line 23, taxing manufactured housing, I was just curious what the reasonable incidental service charges were?

Recess.

Out of recess.

SENATOR HOLLINGWORTH: TAPE INAUDIBLE.

SENATOR COLANTUONO: The reason for the minority report of Inexpedient to Legislate, is my strong belief that this bill will do nothing, but increase property taxes for the property taxpayers of the state. What this bill does is eliminate the current practice of having a back up system for payment of property taxes in place in mobile home parks. Presently, the cities and towns send the bill to the mobile home owner, the tenant, if you will. If the tenant does not pay the tax, then present law requires the mobile home park owner, the landlord, if you will, to pay the tax. Thus in the case of mobile homes, the cities and towns have that extra backup protection to make sure that their taxes get paid, and that the other property taxpayers in the town won't have to pick up the bill for the delinquent or unpaid taxes. This is not a perfect solution obviously, but it is a solution that has been working in this state for some time now. I think it is the only fair solution to this situation that is involved here, because the average mobile home, the value of the average mobile home is contributed to in a great degree by the value of the fact that it is sitting on a lot in a mobile home park. Without that lot of land which is owned by the landlord or the mobile homeowner, the home is not worth very much at all. The problem that will arise from the passage of this bill, is two-fold. Under present law if a tenant does not pay their taxes, the mobile homeowner has a lawful reason to evict them. This bill takes that out. So if they don't pay their taxes, there is no lawful ability by the landlord to evict them. But on the other hand, the landlord doesn't have to pay them either. So what happens, the cities and towns are stuck for the unpaid taxes. And they have to wait two years and a day after the bill is due, before they can take any enforcement action. And the only enforcement action that they can take if the bill still isn't paid and two and three years of unpaid taxes have piled up is to take over the mobile home, and try to sell it. The problem becomes that before they can sell it, they have to take it out of the park. And as a result of that action, the mobile home loses most of its value. Mobile homes on a trailer, sitting in the back of City Hall, in a parking lot somewhere, are

worth almost nothing. And the cities and towns will never be able to recoup this loss. So I think that this is very unfair to the other property taxpayers in the cities and towns. It takes all incentives that a tenant has to pay their bill or get evicted. And while I admit the present system isn't perfect, it is the best compromise solution that we can have under this present system.

SENATOR HUMPHREY: Senator Colantuono, if the Senate passes this bill, is the Senate not providing an incentive for those who live in manufactured housing and to our disposal to avoid paying their property taxes? Is the Senate not creating an incentive for them not to pay their property taxes?

SENATOR COLANTUONO: Yes, Senator. We certainly are. And that is the reason why a number of property tax collectors came in and testified against this bill. And I know that I've heard from several at home since then, arguing against the passage of this bill, and that is exactly what it does. A vote in favor of this bill, frankly, is a vote for higher property taxes. And I don't think that we are in the position where we should be doing that.

SENATOR HUMPHREY: A person who was somehow, who lives in a manufactured house in a park, who is somehow not disposed to pay his taxes, would find encouragement from this bill, would he not?

SENATOR COLANTUONO: Yes, as Senator Hollingworth said for the majority. It gives them in effect, two extra years to avoid the obligation which I understand the argument, because that is what the average homeowner in a nonmanufactured home has. Except I think that is a very poor reason to vote for a bill, that it makes it easier for you not to pay your property tax.

SENATOR HUMPHREY: This creates a special exemption in the law for manufactured housing and for manufacturing alone, special exemption for that category of housing.

SENATOR COLANTUONO: Well, actually, it puts them in the same position as a nonmanufactured home owner. But the problem is, that in a nonmanufactured home situation, you don't have this mix of value. Some value being attributed to the home itself, and some value being attributed to the underlying lot which is owned by someone else. You don't have that in a regular home situation.

SENATOR HUMPHREY: Well, Mr. President, the current law stipulated that when a person, it stipulates that the tax upon such property may be assessed to the owner of the land, and this bill would amend current law to make an exception for manufactured housing. I supported Senator Colantuono's point of view in the committee. I

thought that he expressed it well as he has here on the floor. This bill, I don't know where it came from, but it creates a very real incentive for people in manufacturing housing not to pay their property tax. I think the Senate would be mistaken in passing it.

SENATOR HOLLINGWORTH: Senator Humphrey, currently home owners of any town have the right to not pay their taxes in two years and a day, because they may have an unfortunate set of circumstances. Loss of job or illness, and it has been the process in the state of New Hampshire, to allow people to recover because of those unfortunate set of circumstances. We find that that has not been a situation where people have not paid their taxes. Why do you think that it is fair for people who own their houses in a town is different for a person who owns his house in a trailer park? What makes you think that the incentive is going to be greater for those people, than for those who own their homes? The fact is, those people who live in trailer parks, are seniors, and those who can have affordable housing, the last source for our people to have affordable housing?

SENATOR HUMPHREY: Well, ultimately this is a good question, Mr. President, and it's a tough issue, but ultimately, it seems to me that we have a responsibility to all of the citizens, and not just to this group or that. The difficulty that presents itself with this bill, is the difficulty that Senator Colantuono has pointed out. There is a difference in the value of stick built housing verse's manufactured housing. Manufactured housing once it's removed from the lot unfortunately, it loses the vast bulk of its value, so there is very little against which the local authorities can act to recover in the interest of all of the citizens.

SENATOR HOLLINGWORTH: Senator Humphrey, it would seem that what your saying is: that if you're very rich and you can afford to live on your own lot, it's okay, but if you happened to be one of those unfortunate senior citizens who lives on a small income or someone who doesn't quite make a lot of money, then the rules should change differently for them. Is that what you are saying?

SENATOR HUMPHREY: The difference arises out of the resale value of these two distinct categories of housing. That is not a situation that the Senator from district #17 created. It is just a fact of life, that stick build housing retains its value and towns can wait for the taxes because they know there is something of value in which to act ultimately. But in the case of manufactured housing, if it's removed from the lot, it loses most of its value. And I fully understand the point of view that the Senator is making, but ultimately, we have a responsibility to all of the people. And this bill would put the towns in the position where they are not likely to be able to recover back

taxes. I think that is the bottom line. It puts the towns in a position where they are not likely to be able to recover back taxes, because this particular kind of property is so greatly devalued once it's removed from the lot.

SENATOR MCLANE: I rise in strong support of HB 680. This bill was supported by the Mobile Home Owners Association, which consists of almost 100,000 people who live in mobile homes in the state of New Hampshire. It is perfectly obvious, why the tax collectors were not in favor of it. We have been doing their dirty work for them. What they do is send out two bills for a mobile home. One to the owner of the mobile home, and one to the mobile home park owner. They make the mobile home park owner the person who is going to collect their taxes. Of course, the assessors like it. But it has been treating mobile home owners differently than other taxpayers. Although they own their home, if they don't pay their taxes within a month, the Mobile Home Park Owner can say: 'you have got to get out because you haven't paid your taxes'. Any other home owner has two years to pay their taxes. And then maybe times will get better, and maybe they can in that period of time. We heard today that New Hampshire has \$39,000,000 in unpaid taxes right now. We are in a problem and we have many people who are unemployed. The point is that cities and towns have had the mobile home owners collect their taxes, and they in turn have turned to the mobile home person and said if you don't pay your taxes then get out! They can say that now about the rent, but the taxes should be paid by the person who lives in the mobile home. I would remind you that this was a unanimous vote from The Municipal and County Government Committee. That it has been studied, and it is supported by all the mobile home park owners and mobile home owners. It is obvious that the tax assessors don't support it.

SENATOR COLANTUONO: Senator McLane, isn't it true that if a mobile home owner doesn't pay their property tax, but continues to pay their rent, under current law the landlord is not required to kick them out at all, it is up to the landlord?

SENATOR MCLANE: That was the testimony of the tax assessor, from Manchester, who said that sometimes the mobile home park owner did not kick them out, even though he was liable for the taxes and had to pay the taxes. So what it does perhaps, creates a situation where they want to get somebody out for some reason, they say alright, you haven't paid your taxes. You have to get out: And to another person, we'll give you the normal two years. It leaves the power in the hands of the mobile home park owner.

SENATOR COLANTUONO: Isn't it also true that under the current set-up, if a mobile home owner has not paid his or her rent, and they do get evicted for that reason, they are still left in total ownership of their home and they can go wherever they want. And they can start renting in a new mobile home park?

SENATOR MCLANE: That is correct. They can't move the home if they haven't paid the taxes. The reason is, that we have a state law on the books now which says that before anyone moves a mobile home, they have to have a certificate or an excuse from the selectmen saying that they paid up their taxes. But they could if they don't pay their rent, move the home from within the park.

SENATOR COLANTUONO: I'm glad that you mentioned that other provision of the law, because I think that other provision makes this bill totally ineffective in what they are trying to do. Isn't it true that if this bill passed, well under the present situation, if a person was evicted, in other words, the landlord wanted to get them out, and I think if this bill passed too, if the landlord wanted to get a person out, wouldn't the landlord have to go and pay those taxes so that the house could be moved out?

SENATOR MCLANE: The taxes have to be paid or the selectmen have to give permission before the home can be moved. I think the point is that you have 100,000 mobile owners in the state of New Hampshire right now who are being told, pay your taxes or you have got 30 days to get out, or could be told this. Whereas other homeowners and there are many in the state of New Hampshire, have got a full two years to come up with the money to pay their taxes. And it was the feeling of Municipal and County Governments that mobile home owners should be treated like any other owners.

SENATOR W. KING: I do not own a manufactured house, nor do I own a manufactured housing park, but I have a little experience in the real estate field. And I am frankly baffled that there are some people in here that believe that we ought to ask an individual who owns a mobile home park to be responsible for real estate that that person doesn't even own to pay the real estate taxes on that. This is in fact, this bill doesn't create an exemption for housing that is manufactured. What it says is that those people who live in manufactured housing have to play on the same level field that everybody else who owns a home of any description has the play of, and that is if you do not pay your property taxes, then the town places a lien on that property. Now that property in this circumstance is a mobile home. It is not a house and a piece of land. But it makes absolutely no sense as state law currently does, for us to force an individual to pay property taxes on land or on in this case, a piece of property being the

manufactured housing that that individual does not own. Now we have recognized in this body over the years that manufactured housing to some degree is a different kind of animal, and that we over and above all other things, we have recognized that people who live in manufactured housing parks, if they are going to take their mobile home out of that park, are going to find themselves in an awkward position. Maybe they won't be able to find land to put it on. Chances are, they won't be able to find another park to put it in. All this bill does, is say that everybody is going to be treated fairly. That those who live in manufactured housing are going to be given the same kind of treatment as those who live in as Senator Humphrey said, stick built housing on their own land and that we are not going to expect an individual, an entrepreneur who owns a mobile home park to have to pay for the real estate tax on something that is not his or her responsibility. We are not in addition to that going to force them to have to evict people. Knowing full well, that if they evict those people, they may end up not only losing their home, but losing the ability to put their home anyplace else. So I urge you to support the majority committee on this report.

Senator Delahunty has moved the question.

Adopted.

Majority Report of Ought To Pass Motion is Adopted.

Ordered To Third Reading.

Recess.

Out of recess.

HB 35-A, an act making appropriations for capital improvements. Capital Budget committee. Ought to Pass with Amendment. Senator Nelson for the committee.

Recess.

Out of recess.

PRESIDENT DUPONT: The Chair would recognize Senator Nelson, but the Chair would also ask Senator Nelson to please come forward prior to her presentation. I am going to make the presentation, but I would like Senator Hough to address the presentation as Chairman of Capital Budget. We figured that you needed the appropriate year in order to conduct your job as Committee Chairman.

SENATOR HOUGH: Mr. President, before we start on the report on the Capital Budget committee on the Capital Budget, I would like to take a moment and address the body in regard to the experience that I have had since December of this year. This session will

mark the 20th year in which I have served in the legislature, during which time I have had the honor of working both in the House, the House Appropriations committee and in the Senate, in the Senate Finance committee on the operating budget. Where I have concentrated my efforts in the area of Human Service and in Education. In late fall, after the elections, I had spoken of a desire to be involved with the Capital Budget from a very sincere desire to use that experience as a learning experience. This is an area of the legislative activities which I had not had much experience. And I would tell you that as I had brought to the committee 20 years of legislative experience, that I looked forward to working with a new Chair. And I would tell you that in the 20 years that I have served in this legislature, had I not served under a more dedicated, harder working, sincere Chairman, then I have under the Chairmanship of Senator Nelson. There had not been a day nor a week that had passed, that Senator Nelson working with the able staff of the Legislative Budget Assistance Office, and her colleagues in the House Public Works and House Appropriations committee, whereas she did not take home in the evening voluminous documents dealing with the construction, the design, the engineering, the finance, the debt service, of the projects. The presentation that she will make shortly on behalf of the committee, represents a tremendous amount of hours of homework and diligent commitment to the capital projects to the state of New Hampshire. And she as well as the committee are now prepared to give to you, a document that will bring forth the needed construction projects that will booster the economy of the state of New Hampshire, put people back to work and rebuild the decaying infrastructure of not only state government, but of the regions throughout the state of New Hampshire. And it is with great pride and satisfaction that I can support my Chairman, and thank her for a job well done. Thank you, Mr. President.

PRESIDENT DUPONT: Thank you, Senator Hough. Senator Nelson, I echo Senator Houghs remarks, I know how hard you have worked.

SENATOR NELSON: I was going to say thank you, Senator Hough, and give you the shovel, but I got the hat.

SENATOR HOUGH: And that's the way it should be.

SENATOR NELSON: No, I don't in any way want to say that, but I worked my tail . . . No, I really appreciate your thoughtfulness. I thought what I might do with so many new members in the New Hampshire State Senate, and for some of you, I thought I would take three minutes of your time just telling you how we got to the point of the Capital Budget. So just a very brief look of history.

Under statute we have written in the statute, under 9:3-a, the capital expenditure request. Very briefly, that states that all departments will put together their request in writing, and submit it to the director of, The Commissioner of Administrative Services. Those request's would then be passed on to the Governor. The Governor would then hold a public hearing along with the Chairman of the Department of Transportation, the Chairman of Capital Budget, and the Chairman of Administrative Services. And they would come up with a document. This is the document. I want you to have an idea that every project that is presented is very detailed and in writing. And all members of the Capital Budget committee do receive a copy of this. I did sit in on those hearings this summer. The second phase is, Governor Gregg as you know, takes the projects that are in this particular document and selects what he chooses to be important for the upcoming biennium. And on February 15, he must present that as you know to the House and to the Senate, which he did do on February 15, of this year. That then became the Governors budget. That budget as you know worked its way through Public Works, and then to the House floor. From the House floor to the Appropriations committee, at which time changes were made from the Governors amendment, excuse me, bill. It then came over to the Senate. So now I am going to have a document handed out to make it easier for you to see the changes that were made. I will point out the changes in the Capital Budget, and I will be happy to entertain any questions. Let me say while that is being handed out, that there were seven of the finest people working on that committee. I might hasten to add that there were five freshmen to the committee, three freshmen on the committee, with Senator Roberge and I, having four years experience. And I will tell you that having had sat on other committees, that the level of dialogue was encouraging when people disagreed. They were not afraid to say exactly what they thought, to argue, and to finally come to some consensus. So I would like to say, that all members of the Capital Budget worked together to produce the document. There are certain parts of the document that could possibly be addressed by individual members of the Capital Budget if you should want detail. I am going to work on the sheet that was just handed out to you. It also goes along with the Capital Budget, HB 35. You notice there is the demolition of the Walker Building. What you see in the first column is what the Governor recommended, 2.8 million. The House took it out, and the Senate put it back in again. You notice that we are 1 million under the Governors request. That is because we asked for new figures. There is a lot of asbestos in the Walker Building. Figures also indicated that there are also, three years ago rather, there was a study and it was going to cost \$8,000,000 if we wanted to renovate it. They say cost today would be

12.2 million. That is how we arrived at the decision for the demolition of the Walker Building. We felt that our figures were more harder, if you will, than the 2.8 million. Moving down, the Coos County Court renovation. As you know the state purchased that building last year for \$1. It needs renovations and \$600,000 have been put into that budget. I would also tell you that it is on page 1 of your Capital Budget itself, HB 35. If you move down the page almost to the bottom, you'll notice that it talks about the Public Health Department for lab modernization. The Governor requested \$725,000, the House left \$250,000, and we put the money back in again. We added \$475,000 or at least came up to the Governors figure, and that is on page 3 of HB 35. If you go to the bottom of that very first page, you will notice that there is the YDC James O settlement. There will also be a piece in the operating budget also. There was a lawsuit against YDC for a handicapped individual, James O. Part of the money and the agreement made is reflected in the Capital Budget. The Capital Budget reflects the capital changes at the YDC. The operating budget, I am sure that they will talk to you about tomorrow, addresses the rest of that agreement. And if you go to the second page, midway down, you will remember that in the Governors, if you want more detail, as you recall in the Governors speech on the floor on the 15th of February, he referred to the Parks Department as one of the jewels in the crown of New Hampshire. And as you know tourism is a major industry in our state. He put in 2.5, the House put in 1 million, and the Senate went up to 1.75. Number two, is Cannon/Mittersill, the Governor had it in, and the House took it out, and we put it in. And that is for the feasibility study on the use of the land. One ninety seven on Sunapee snow-making. On Sunapee sewerage lagoons we put in \$50,000, because it came to our attention that one of the wells went bad. The other change that you would want to note is that the Transportation for the underground tanks. You will notice that \$956,000 is in parenthesis. That originally was a cash outlay from the highway fund. If we were to take the cash out of the highway fund, it would have left \$143,000 in that account at the end of the biennium. Given what comes out of the highway fund, it was felt that this time in the Capital Budget, that it would be appropriate to bond that money, and so that is what that means. Instead of cash, we are bonding it. If you look at the Lebanon airport under aeronautics, you will notice that we have made a slight increase of \$13,666. The reason for that is that we have better numbers on that situation now, and this reflects the accurate cost. If you go down to the bottom line of page two, you will see the Keene Thorne-Sagendorf building, for \$570,000 you did in fact support that and pass it in 117. It was also in 1182 last session. This bill is asking for \$570. This expenditure is \$570,000. This was

arrived at in this way: In 1989 1.7 million dollars was appropriated for the library. Last year UNH went before the Long Range Capital Planning committee and at that time requested to change their plans. Legislative approval was given, the plans were changed. But as a result of the change in the plans, it required this money and that is how that appears and that is on page 8 of the Capital Budget. Let me point to the bottom line of the figures on the last page of the bill if you will. You will notice that there is a fund ledger and I am looking at the bottom line of the fund ledger. There is no way to make this exciting. If you notice the Governor, the House, and the Senate have a figure. Let me talk a little bit for a moment. If you don't mind to the 111,500,000 million. That figure reflects every penny in the Capital Budget. All the federal money, Fish and Game money, and the state money. In reality, we are looking at a Capital Budget that will be 69 million in bonds and 42 million from other sources. As you see we are about 1 million under the Governors projected budget and we are roughly 5 million over the House. That was the way in which I outlined this. I have details of every project and I stand ready at this time to answer any questions that you may have.

SENATOR HEATH: Senator Nelson, there is something that I don't understand, a number of things that I don't understand about the Walker Building. One, is that we are tight on funds. Isn't any expenditure right now unnecessary and that it can just stand there closed up and save us 2 million for the time being when money is short?

SENATOR NELSON: Senator Heath, I believe no building just stands there. There are buildings that are over there that are being heated so that they won't deteriorate. Rather than spend money to just keep those buildings open and this was one of the ways that we thought that we could solve the problem.

SENATOR HEATH: I find it very strange that the cost of renovating a building has risen in the falling market where there are a lot of desperate contractors out there losing their businesses, and the cost of that asbestos removal has plummeted to half since the Governor made this projection. Could you explain to me that strange situation?

SENATOR NELSON: Senator Heath, okay, let me just say this to you, the project consists of demolition of the Walker Building is a rambling two story 176 foot . . .

SENATOR HEATH: Rambling is a scientific word?

SENATOR NELSON: It is an adjective, modifying two stories. One seventy square foot structure on the grounds of New Hampshire

Hospital. It has been determined to be functionally obsolete, in need of extensive renovation, estimated to cost \$12.5 and contains a great deal of asbestos.

SENATOR HEATH: Why has the cost of demolition plummeted in half if they found out more recently that there is more asbestos rather than less?

SENATOR NELSON: I don't know, I don't understand the question?

SENATOR HEATH: To explain the question, the Governor recommended 2,800,000 million and the Senate, now knowing that there is more than originally realized of asbestos in there has cut that figure in half. Doesn't that strike you as strange? More asbestos, half the cost of removing it?

SENATOR NELSON: Oh, I am sorry, I misunderstood. I was talking about years ago, I didn't realize that you meant between the governors budget and the House budget. Well, Senator Heath, I guess it's the same as in any of the committees in which you serve. The House certainly sends pieces of legislation over here in which you use the wisdom on your committee and sometimes don't think maybe something should happen. Well, in our wisdom, in looking at the figures and the information that we had, we thought that at this time one million eight was enough, given the fact, that the economy is tight to just put one eight in it.

SENATOR HEATH: But couldn't you have used that same logic to renovate the building? The asbestos has to be removed whether you tear it down or renovate it, and put in some low figures for renovation if you just play with the figures?

SENATOR NELSON: Obviously, having sat on the Capital Budget committee for four years and being well aware of the situation over there, and having toured Laconia which there are buildings that are sitting idly, I certainly would be in favor of renovating a building to save money. But I look at several situations around the state, not in the State House. As sad as it may be, and as wonderful as some of those buildings might look. With the codes and the handicapped standards, it would be just plain too expensive to renovate that building rather than to raze it. And that is my understanding of the situation.

SENATOR HEATH: On the land conservation program, why after we have already done \$40,000,000 for a land conservation purchase in a crisis year and would it have gone on raining terrifically endangered. Why would we go for another \$7,000,000 right now?

SENATOR NELSON: Let me mention that at this time, at this moment looking at 1990 figures, the bond counsel usually wants us to stay under a certain percentage of say 10 being the highest and we are well under that at 7. So I don't know of any danger when we went through this, number one. Number two, the Governor supported the Land Conservation, the house supported it, and it came before the committee. At this time it was felt that this was the best way to handle it and as you know, Senator Heath, that we are not talking about bonding in this year anyways. There will be little or no effect on the biennium for 1992-93 debt.

SENATOR HEATH: There will be forward, I mean we will be facing . . .

SENATOR NELSON: That is correct, it will go forward. But let me say that this isn't the first year on the Capital Budget that we begin bonding. It is a fact of life on both the federal, the local, and the state level. That when one wants to take care of capital projects, one bonds them. So we are not coming through with any new policy statements. We are doing what they have done. Which has been the policy of the state of New Hampshire. Of all the states, maybe Oklahoma, Iowa, Texas, little cities and towns in the area. Really, it is not a brand new concept.

SENATOR HEATH: I fully understand that. It is just that we are doing more than ever with more problems than ever. On Public Health, Lab modernization, isn't this the lab that we have poured money into for 5 years that has managed to test 50 people?

SENATOR NELSON: I don't know that.

SENATOR HEATH: It has managed to test 50 people in 5 years with roughly 1.5 million dollars worth of money involved?

SENATOR NELSON: Well, Senator Heath . . .

SENATOR HEATH: Isn't this one of the black holes in that agency that hasn't ever accomplished what it set out to do, we just keep pouring money into it?

SENATOR NELSON: I am in no position to answer questions about black holes because surely, they would not come before the committee and address black holes with me.

SENATOR HEATH: Well, what is the lab?

SENATOR NELSON: The lab is this: it consists of upgrading and modification of the Public Health Laboratory. And it included building improvements and equipment purchases. It includes emergency

egress, electronical operator plumbing fixtures, acid fume hoods, ventilation modification, electrical upgrading to accommodate new and additional equipment.

SENATOR HEATH: But what did the lab do?

SENATOR NELSON: I am getting there . . . I want you to know every penny where it is going. Equipment includes replacements of three sterilizers, neurology, chemistry analyzer, and names that I can't even pronounce, and drug extractions instrumentation ultra-lode temperature freezer, headspace analyzer, and computer hardware, and software. The laboratory was opened in 1971. The electrical system is not adequate. The increased use of instrumentation, the lack of space has caused former storerooms to be converted to office or laboratory use with the result of safety hazard. New infectious diseases such as AIDS have increased the hazards to lab staff. The ventilation system causes frequent disruption to work due to its effect on equipment test, regions and staff. The laboratory has not kept pace with advances and technology. Tests are performed, here is what the lab does . . .

SENATOR HEATH: Who wrote this?

SENATOR NELSON: The Department. Tests are performed manually that could and should be automated. The laboratory is unable to perform tests required by law, for drugs and the Chief Medical Examiner due to the lack of necessary equipment. That is what it is for. And that is what the lab does.

SENATOR HEATH: And what is that the Department has written and of course we can take it on oath, right, like the rambling in the other building? That was probably written by the Department that wanted to tear down that building?

SENATOR NELSON: If I may, Senator Hough, I mean, Heath. Senator Heath, I described the process to you by statute, and I did not make the assumption that one department was a liar and didn't give me the information as opposed to the other, sir.

SENATOR HEATH: Did you make an assumption that maybe some of the Departments proposals were colored in the direction that these departments might prefer?

SENATOR NELSON: No, I didn't, sir. I made the assumption that this is a particular project that they need. They told us exactly what they needed even though it cost money and they probably took the chance that they might not get it all.

SENATOR HEATH: On Resources, Economic Development, I see that we have one, two, three, four, five, six, seven, eight line items and maybe nine, that have to do with approving of the state owned

ski areas that compete with the private business and lose money doing it each year, consistently. In enacting those improvements, the expansion with the plan so that we can lose money on the intermediate slope and Mittersill can become destination resort and on more snowmaking where snowmaking hasn't seemed to work in Belknap or any of the other socialized ski areas throughout the state, you conclude in putting that kind of money, chasing good money after bad, you conclude that we are going to rise above our money losing proposition sometime in the next decade?

SENATOR NELSON: Well, I don't conclude anything. I just understand that one of the \$100,000 is to study the use of the land. And I would suggest that if this is something you don't think that we should do, then you should vote against it.

SENATOR HEATH: Well, thank you, I will take your advice.

Amendment to HB 35-A

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General

A. Replace 2 roofs *	\$ 130,000
Total state appropriation paragraph I	\$ 130,000

II. Administrative Services

A. Repair State House dome	\$ 250,000
B. Hillsborough county superior court furnishings *	1,200,000
C. Concord district court furnishings *	50,000
D. Land acquisition, design, construction, and furnishings of Rockingham county superior court	11,165,000
E. State House elevator repairs	200,000
F. Demolition of Walker building	1,800,000
G. Coos county superior court-renovations and code requirements	600,000

Total state appropriation paragraph II	\$15,265,000
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III. Environmental Services

A. Match state water pollution revolving loan fund	\$ 5,131,074
B. Winnepesaukee river basin project (sewage system improvements)	292,000
C. Hazardous waste superfund match	1,500,000
Total state appropriation paragraph III	\$ 6,923,074

IV. Executive — State Planning

A. Land conservation program	\$ 7,000,000
Total state appropriation paragraph IV	\$ 7,000,000
V. Health and Human Services	
A. New Hampshire hospital	
1. Philbrook health and safety	225,000
Total subparagraph A	\$ 225,000
B. Glencliff home for the elderly	
1. Replace fire hydrant *	\$ 40,000
2. Replace sewer lines *	30,000
3. Slip proof tunnels *	32,000
4. Design, construction, and furnishings of 75-bed nursing home facility	\$ 5,350,000
Total subparagraph B	\$ 5,452,000
C. Division for Children and Youth Services	
1. Rewire administration building — YDC *	\$ 160,000
2. Repair roof on administration building — YDC *	45,000
3. Hook up sewer in administration building — YDC *	50,000
4. Asbestos removal or containment — YDC *	50,000
5. Locks and cylinders — YDC *	55,000
6. Air handling — Tobey building, N.H. hospital	100,000
7. James O. settlement — YDC	
a. Complete elevator	60,000
b. Handicapped bathrooms	60,000
c. Library equipment *	25,000
d. Handicapped access, etc.	375,000
Total subparagraph C	\$ 980,000
D. Division of Public Health Services	
1. Laboratory modernization	\$ 725,000
2. Radiological laboratory update	130,000
Total subparagraph D	\$ 855,000
E. Office of alcohol and drug abuse prevention	
1. Tirrell House *	\$ 57,000
Total subparagraph E	\$ 57,000
Total state appropriation paragraph V	\$ 7,569,000
VI. Liquor Commission	
A. Roof replacement *	\$ 162,000
Total state appropriation paragraph VI	\$ 162,000
VII. Postsecondary Technical Education	
A. NHTC — Manchester	
1. Phase II rehabilitation of Knox Building	\$ 1,830,000
2. Electric laboratory station	325,000
Total subparagraph A	\$ 2,155,000
B. NHTC — Berlin	
1. Roof replacement *	\$ 45,000
2. Office simulation lab *	90,000

3. Cad cam lab *	161,376
Total subparagraph B	\$ 296,376
C. NHTC — Nashua	
1. 25 station IBM personal computer lab *	\$ 87,200
Total subparagraph C	\$ 87,200
D. NHTC — Claremont	
1. Technical lab *	\$ 241,000
Total subparagraph D	\$ 241,000
E. NHTC — Laconia	
1. Computer lab*	\$ 156,334
2. Automobile technical lab*	\$ 100,000
Total subparagraph E	\$ 256,334
F. NHTI — Concord	
1. Parking lot	\$ 1,000,000
Less police standards share	-200,000
Net appropriation subparagraph F	\$ 800,000
Total state appropriation paragraph VII	\$ 3,835,910
VIII. Resources and Economic Development	
A. Division of parks	
1. Repairs and renovations system-wide for major deferred projects	\$ 1,750,000
Total subparagraph A	\$ 1,750,000
(The funds appropriated in subparagraph VIII, A, 1 shall not be spent, obligated, or encumbered until such time as the department of resources and economic development has developed an action plan and received the approval of such plan from the capital budget over- view committee.)	
B. Ski operations	
1. Cannon — snowmaking	\$ 600,000
2. Cannon — replace snowmaking pipe	150,000
3. Cannon/Mittersill plan	100,000
4. Sunapee — air compressor	250,000
5. Sunapee — move and expand rental shop	93,000
6. Sunapee — intake valve	200,000
7. Sunapee — snowmaking skyway	197,000
8. Sunapee — sewage lagoons	50,000
Total subparagraph B	\$ 1,640,000
Total state appropriation paragraph VIII	\$ 3,390,000
IX. Department of Safety	
A. Glendale dock repair	\$ 350,000
Total state appropriation paragraph IX	\$ 350,000
X. Department of Transportation	
A. Division of aeronautics	
1. Skyhaven — runway/taxi	\$ 164,000
2. Skyhaven — renovate administration building	85,000

3. State required 5 percent — 10 percent match for FAA — approved airport priority projects	500,000
4. Lebanon Airport — reconstruction of runway 72-5, extend taxiway to runway 7, expand aircraft parking apron associated lighting and other improvements	3,061,111
Less Federal	-2,900,000
Net appropriation, subparagraph 4 (state share — 5 percent)	\$ 161,111
Total subparagraph A	\$ 910,111

(The funds appropriated in subparagraph X, A, 3 shall be for airport projects approved by the Federal Aviation Administration, which include the following projects: construction of aircraft parking apron, Concord; construction of perimeter road and installation of security fence, Nashua; expansion and improvement of aircraft parking apron, Concord; land acquisition, Manchester; land acquisition, Nashua; master plan update, Berlin; master plan update, Rochester; purchase crash, fire, and rescue equipment; purchase snow removal equipment, Lebanon; ramp and apron for new terminal, Manchester; reconstruct runway 7-25, Lebanon; and taxiway, apron, and lighting, Nashua.)

B. Division of public works

1. Underground tank removal and replacement statewide	\$ 1,144,000
Less fish and game fund	-33,000
Net appropriation subparagraph B	\$ 1,111,000
Total state appropriation paragraph X	\$ 2,021,111
Total state appropriation section 1	\$46,646,095

* To be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Repairs and renovations system-wide \$ 5,000,000

(The funds appropriated in subparagraph A shall not be spent, obligated, or encumbered until such time as the university system of New Hampshire has developed an action plan and received the approval of such plan from the capital budget overview committee.)

Biological science center — Durham	30,000,000
Less Other (Donations, grants, etc.)	-15,000,000
Net appropriation subparagraph B	15,000,000

(No funds appropriated by subparagraph B shall be expended or encumbered in any way until the university system of New Hampshire certifies to the capital budget overview committee that it has raised and can account for \$15,000,000 or more in gifts, grants, donations, or pledges from sources other than the state, to be used for

the construction of a biological science center on the Durham campus of the university system of New Hampshire, except that the university system of New Hampshire may, upon the raising of \$5,000,000, expend or encumber such funds for design and construction documents. The funds appropriated in subparagraph B shall constitute the total state share of completed construction costs of the biological science center. The university system of New Hampshire may use any gifts, grants, donations, or pledges in excess of its \$15,000,000 share of the construction toward the costs of construction.)

C. Public television equipment replacement *	500,000
Total state appropriation section 2	\$20,500,000

* To be 5-year bonds.

3 Appropriation; Department of Transportation. The sums herein after detailed are hereby appropriated for the projects specified:

A. Central office	
1. Computer power upgrade*	\$ 350,000
B. Division of public works	
1. Underground tank removal and replacement statewide	956,000
Total state appropriation section 3	\$ 1,306,000

4 Appropriation; Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Water line replacement	\$ 100,000
Less federal	-75,000
Net appropriation subparagraph A	\$ 25,000
B. Replace pools/raceway hatchery	500,000
Less federal	\$ -375,000
Net appropriation subparagraph B	\$ 125,000
C. New Hampton and Berlin hatcheries facility renovations	85,000
Less federal	-63,750
Net appropriation subparagraph C	\$ 21,250
D. Pool/raceway enclosures	150,000
Less federal	-112,500
Net appropriation subparagraph D	\$ 37,500
E. Water system — Berlin	100,000
Less federal	-75,000
Net appropriation subparagraph E	\$ 25,000
Total state appropriation section 4	\$ 233,750

5 Appropriation; Port Authority — Self Liquidating From Revenue. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Port of Portsmouth expansion	\$16,500,000
Total state appropriation section 5	\$16,500,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless: (1) the study committee established in 1991, 145, on the New Hampshire port authority submits its report which concludes that the Port of Portsmouth expansion is economically feasible, such that projected revenues exceed projected expenditures; and (2) an action plan prepared by the New Hampshire port authority is approved by both the fiscal committee and the governor and council. The action plan shall include the identification of sufficient revenue sources to amortize both the annual principal and interest payments.)

6 Appropriation; Postsecondary Technical Education — Police Standards and Training. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Range/tactical/dorm facility	\$ 4,960,000
Total state appropriation section 6	\$ 4,960,000

7 Increase Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$4,200,000] **\$5,700,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

8 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, 5, 6, and 7 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

9 Expenditures; University System of New Hampshire.

1. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received.

All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

10 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, 6, and 7 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$91,645,845 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

11 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in:

(a) Section 3 shall be made from the highway fund.

(b) Section 4 shall be made from the fish and game fund.

(c) Section 5 shall be made from the port authority revenues.

(d) Section 6 shall be made from the police standards and training council training fund.

(e) Section 7 shall be made from the dam maintenance fund.

12 Appropriation; Police Standards and Training Council Training Fund. The sum listed under section 1, paragraph VII, F, 1 of this act is hereby appropriated from the police standards and training council training fund to the department of postsecondary technical education. The governor is hereby authorized to draw his warrant therefor out of the appropriate fund.

13 Appropriation; Fish and Game Department. The sum listed under section 1, Paragraph X, B, 1 of this act as the fish and game fund share of the project is hereby appropriated from the fish and game fund to the department of transportation for underground tank removal and replacement statewide. The governor is hereby authorized to draw his warrant therefor out of the appropriate fund.

14 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

15 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5, 6, and 7 except the land conservation program in section 1, IV, A and such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.

16 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier-free code requirements and energy conservation code requirements.

17 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, 4, 5, 6, and 7 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 10 shall be reduced by the same amount.

18 Transfers. The individual project appropriations provided in sections 1, 3, 4, 5, 6, and 7 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget oversight committee is obtained.

19 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, 5, 6, and 7 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 10 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

20 Port Authority; Dredging. Amend 1987, 399:1, VII, as amended by 1989, 367:26, to read as follows:

VII. Port Authority

A. Dredging pier (N.W. end)	\$ 66,000
B. Dredging of Portsmouth Harbor and the Piscataqua River	18,700,000
Less federal	-14,000,000
Net appropriation paragraph B	4,700,000
Total state appropriation paragraph VII	\$ 4,766,000

(The appropriation for the water improvement project in paragraph VII, B shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1,000 feet [and]; widen by 100 feet the northern limit of the channel adjacent to Badgers Island[.]; **and widen the southern limit of the channel at the eastern end of Goat Island southeast of Henderson Point from 400 to 550 feet.** Section 21 of this act contains additional costs associated with this project.)

21 Port Authority Bonds and Notes. Amend 1985, 409:11, IV to read as follows:

IV. To provide funds for the purposes of section 7, the rehabilitation of Barker wharf, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$375,000 and for that purpose shall issue [revenue] bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with

RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the New Hampshire port authority revenues. Prior to issuance of the bonds or notes authorized hereunder, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$375,000.

22 Maturity of New Hampshire Technical Institute Bonds. Amend 1988, 164:2 to read as follows:

164:2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding \$3,467,000, and may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, except that, notwithstanding the provisions of RSA 6-A:2, such bonds shall have a maturity of **up to** 30 years from the date of issue.

23 Mount Washington Regional Airport; Whitefield; Berlin Municipal Airport. 1989, 367:1, XII, A, 2 is repealed and reenacted to read as follows:

2.(a) Berlin Municipal Airport, Berlin — reconstruction of hazard beacons and updating of Berlin's airport master plan. \$100,000.

(b) Mount Washington Regional Airport — Whitefield — reconstruct stub taxiway and parking ramp. \$100,000.

24 Appropriation; Supreme Court. Amend 1989, 367:19 to read as follows:

367:19 Appropriation; Supreme Court. The sum of \$396,000 is appropriated to the supreme court for the preparation of preliminary design and final design and construction documents for a new facility for the Rockingham county superior and probate courts. [Design of the project shall be done utilizing the generic plans developed for the Hillsborough county courthouse at Nashua.] Design of this project shall be done in such a way as to allow for construction to be done in stages. Preliminary design documents must receive the approval of the capital budget overview committee, prior to the preparation of final design and construction documents. This appropriation shall be a charge against the court facilities escrow account established pursuant to RSA 490:26-c.

25 Mason Library — Keene. 1989, 367:2, E is repealed and reenacted to read as follows:

E. Expansion, renovation, and rehabilitation
of Mason Library — Keene to include
relocation of the Thorne-Sagendorf
Art Gallery

\$ 1,770,000

26 Total State Appropriation Increased. Amend the total state appropriation of section 2 of 1989, 367:2 to read as follows:

Total state appropriation section 2 [\$13,300,000] **\$13,870,000**

27 Bonding Amount Increased. Amend 1989, 367:7 to read as follows:

367:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$38,046,322] **\$38,616,322** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

28 Lapse Dates Extended.

I. The appropriation made to the department of corrections in 1988, 224:1, I, A for phase V prison construction, as amended by 1989, 367:27, I, is hereby extended to June 30, 1993. Authorization is hereby granted to expend the remaining funds of approximately \$2,000,000 to renovate Laconia developmental services buildings for use as a drug and alcohol treatment center and boot camp for approximately 300 minimum and medium security prison inmates and to renovate a facility for use by men and women as a halfway house.

II. The following appropriations are hereby extended to June 30, 1992:

(a) The appropriation made to the supreme court in 1989, 367:1, XI, A, for construction of Concord district court.

(b) The appropriation made to the department of revenue administration in 1989, 367:1, X, A, for computer hardware and software development.

(c) The appropriation made to the department of resources and economic development in 1987, 3:1, as amended by 1989, 137:3, for Hampton beach seawall improvements.

(d) The appropriation made to Laconia developmental services in 1989, 367:1, V, B, 2 for replacement of steam lines.

(e) The appropriation made to the department of administrative services in 1989, 367:1, II, A — C, relative to Londergan hall renovations, repair of state house dome, and Spaulding hall renovations.

(f) The appropriation made to the department of resources and economic development in 1988, 224:1, IV, D, for Hampton harbor dredging.

(g) The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, for small watershed programs.

(h) The appropriation made to the university system of New Hampshire in 1989, 367:2, C-F, for academic buildings and Mason library renovations in Keene, design of biological lab and Dimond library shelving in Durham, and the cultural arts building in Plymouth.

(i) The appropriation made to the department of transportation in 1988, 152:1 for the additional hangar facilities at Skyhaven airport.

(j) The appropriations made to the aeronautics commission in 1981, 565:1, II as amended by 1983, 423:17, 1986, 211:18 and 1989, 367:27, II(j) for the Skyhaven airport and the Skyhaven audit fund.

(k) The appropriation made to the aeronautics commission in 1979, 435:1, III, E as amended by 1983, 423:16 and 1986, 211:14 for the Skyhaven airport.

(l) The appropriations made to the department of transportation in 1989, 367:1, XII, A, 1, 2, 3, and 4 for aeronautics projects.

(m) The appropriation made to the port authority in 1987, 399:1, VII, as amended by 1989, 367:26, for dredging pier and dredging of Portsmouth Harbor.

(n) The appropriation made to the department of safety in 1989, 367:3, I, B for the Hayes building.

(o) The appropriation to the department of health and human services in 1989, 367:1, V, D, 1 for asbestos abatement at Philbrook and YDC.

(p) The appropriation made to the department of postsecondary vocational-technical education in 1989, 367:1, VIII, A, 1 for the NHVTC-Manchester, Phase I rehabilitation of Knox building.

III. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 2 for the Berlin municipal airport and the Mount Washington regional airport is hereby extended to June 30, 1993.

29 Effective Date. This act shall take effect July 1, 1991.

Amendment Adopted.

SENATOR FRASER: Mr. President, on page 17, section 28, lapse date extended. This is in the calendar. I am offering a floor amendment today to delete that section and substitute it with a committee to study the future needs of the Department of Corrections, including, but not limited to the site locations within the state for corrections facilities, physical plant size, personnel and operating cost. The membership of the committee will be comprised of the following: three members of the Senate, including one member from the Capital Budget committee appointed by the Senate President; three members of the House of Representatives, including one member from the Public Works committee appointed by the Speaker of the

House; The Commissioner of Corrections or his designee; The Director of the Office of State Planning or his designee, and one public member appointed by the Governor. The committee shall elect a Chair from among those members. Mr. President, I could spend the next couple of hours discussing the merits of Camp Success which the original language would require that the Laconia State School be turned into a minimum security prison. I have written to every member of the Senate. I have spoken to every member of the Senate at least on two different occasions asking for their support. It's my honest belief, Mr. President, that everyone sitting here in this chamber today, has already made up their mind as to how they are going to vote. I would be more than happy to answer any of your questions. It is my view that to continue this dialogue beyond this point would be somewhat fruitless and with the amount of work that we have to do, Mr. President, I would urge adoption of the committee amendment.

SENATOR W. KING: I rise in support of the Fraser amendment. As everybody here knows what we are talking about is the prison at the site of the former Laconia State School. This prison, I guess you could say, is the best idea since the Charles Street Jail. You know what I am talking about? Because you drive over the Tobin Bridge into Boston and you look down at that nice beautiful prime piece of commercial real estate, upon which sits a state prison. Well, Mike Dukakis did it to Massachusetts and now Judd Gregg wants to do it to New Hampshire. And I think that it is a bad idea, this is a bad site for a prison. You are talking about a piece of prime real estate bordered on three sides by water that is worth \$16,000,000, minimum. To put a prison on this site, is not the highest and best use of this property. We would be better off to sell the property and use the proceeds from that to build a prison in a more reasonable place. This is not an issue of not in my backyard for the folks in that area. This isn't in my district, it's not in my backyard. But this is crisis management at its worst. I would encourage you to please vote for Senator Fraser's amendment.

SENATOR HEATH: I rise also to support the Fraser amendment. And I would kid you as partial evidence that the last bad idea Senator King said was a bad idea, we should vote for it. This is a bad idea that he really doesn't like, so it must be terrible, and it is. It's not just the nimbies syndrome, obviously, a lot of people are motivated, and nobody wants a prison in their backyard. For gods sake, we are in the tourists business up in the lakes region. And to drop that shadow over that business in that whole area is stupid and financially suicidal for the state struggling to find some resources. The figure of \$2,000,000 is ludicrous. You cannot put a perimeter around

that area for \$2,000,000 that would hold a stray dog in. You certainly can't put one that would hold sexual perverts and drug dealers and the kind of help that the drug industry has from the outside as well as the inside. These are not people without financial resources in terms of their motivation to leave the area. And it isn't in my district, but it borders my district. And we have a place like Pease that already has most of a perimeter, and there are a lot of other alternatives for it. And I think it is foolish on the face of it. But here we had over in Carroll county an area where a private prison, private prison at no cost to the state was being offered. The County Commissioners and the people in that area looked at it positively, and the Governor decided he wanted to stop that. It would not cost the state any money and then he low-balls this foolishness into the district next to mine. Into a suburb, into prime property, in where there are schools, and children, and retired people who are frightened to death. And that is going to cost 2 million which is a low-ball figure. I would ask you to just consider the foolishness of the whole thing in all of its effect. Forget the nimby thing, nobody wants a prison next door to them, but this is not the place. This is a disaster for the Lakes Region and a disaster for Laconia. When Laconia got the state school and then the courts essentially threw half the people in the state school out, where did they go, they went to Dunkin Donuts and on the streets of Laconia. We didn't provide for them, now we are going to dump some more on Laconia. I don't think that Laconia or any other community deserves to be that kind of a dumping ground and when you are all so concerned about the area around Pease and the effect that that has on that community and the greater community and I would ask you to consider Laconia. It might not be as big as the Dover, Portsmouth area, but there are human beings that earn a living there and the tourist business, there are retired and elderly and vulnerable people, there are school children in the area, there is an industry with tourism. And I would ask you to give that some consideration before you throw this time bomb into that community, and before you have an incident up there that we all regret, whether its a Willie Horton type incident or something of less enormity, but great personal devastation to some family in that area. I would ask you to just say no.

SENATOR HOLLINGWORTH: I would like to stand and urge you to vote for the Fraser amendment. I sat on Judiciary when the House was listening to the testimony on the boot camp and how much it was going to save the state and what a good idea it was and it seemed to be. We listened to great deal of testimony and we decided that we would go the boot camp route because it had been working in other states. And you have heard that it is working.

When I have a few minutes I try to read whatever I can and I have come to find that some of the states who thought that it was working are now finding that there are problems. That the boot camp is not all that we thought it was going to be. I think that for us to be taking this costly move, to be setting up a boot camp, supposedly, for just those certain individuals, and this action where the boot camp has really not been here in New Hampshire all that long, and in view of the fact that we really don't know whether it is going to be the best thing since sliced bread, I think that we need to give Laconia, and the rest of the state the chance to stand back and see whether it is good for us. And I think that this study will do just that. It will give us time and I would urge you to support that. If you did convert that into a boot camp, it couldn't be used for anything else. You would spend all that money for a boot camp that is not a security prison and then you could not move your violent criminals into that camp site without spending millions, and millions, and millions of dollars more. So I think for us to go ahead and spend, if the 2 million is right and I don't think that it is, now without really first analyzing it and looking at what is happening around the nation with boot camps. I think we need to give that time. We also need to give time to the state to see whether this is the right thing to be doing. So I urge you support the Fraser amendment.

SENATOR J. KING: I rise in support of Senator Fraser's motion. For the same reasons that were given on the floor by the previous Senators. They say that they are saving \$2,000,000 by putting the prison in Laconia. I say that they are losing probably 18-25 million by putting a prison in Laconia. The city of Laconia is losing money by them putting it there. Basically, because if they had it as a tax base, it's amazing the amount of dollars that they would have coming in annually. I think in the state of New Hampshire, there is other land available that could be used for this type of building that is not quite so valuable and is not in the middle of a resort, and is not in the city that probably I think that has the least amount of land area than any other city in the state of New Hampshire. This is about the last big tract that they have left and I would suggest that we don't take it away from them. I am not saying that the prison isn't needed, but I do think that there are other places in the state of New Hampshire that should be used and if nothing else, either sell it to the city of Laconia, give it back to them so that they can invest in their city and help them along. They have one of the lowest employment rates in the state. Thank you.

SENATOR MCLANE: I think that everyone who is voting for the Fraser amendment has asked to speak. Perhaps I can add my bit. I would like to lay the blame for this problem right where it should be

deserving and that is with former Governor Meldrim Thomson, who commissioned a study of the prisons 12 years ago. We, the state, paid \$170,000 for a little study about the prison problem. Before that study began, Governor Thomson called the people who were being paid to do this study into his office and he said "you may not discuss in the study, half-way houses" and for that reason, we have ended up with more and more and more expensive buildings. It cost \$50,000 to build one bed for one prisoner. And that is what we paid for to build more and more prisons. It has been said that if you sent the entire prison to Harvard, it would cost less than feeding them and keeping them up there on North State Street. Twenty-three thousand dollars a year for one prisoner. So that is the problem and no one has looked at the problem for the last 12 years. We lightly passed truth in sentencing bills and other maximum sentence, get them for everything, and then we warehouse them up in Concord. Now we have come to a crisis point where we are making a bad decision on a good piece of property because we didn't do the planning 12 years ago and for that reason, I am going to vote for the Fraser amendment. Because I think that it is time the state faced up to the real problem, rather than a bad solution.

SENATOR ROBERGE: Mr. President, I took the opportunity to tour the facility with Senator Nelson, Senator Colantuono, and several others. Before touring that facility I had heard that we had a group of run-down buildings on lakefront property. It would be an eyesore, people would be passing and seeing barbed wire and all kinds of things, and it was going to be a terrible problem. So I went up there with an open mind. I found buildings in pretty good shape. They need to be renovated to some degree inside, they are on city water, city sewer, they sit up on a hill, far back, you will not see the fence. They are not on a lakefront. The property is not on a lake front. The facility is there, it is costing us \$300,000 a year to heat it and these building are empty. I think that this is the best use for the property.

Recess.

Out of recess.

Senator Fraser offered a floor amendment.

Floor Amendment to HB 35-A

Amend paragraph I of section 28 of the bill by replacing it with the following:

I.(a) There is hereby established a committee to study the future needs of the department of corrections, including, but not limited to:

(1) Site locations within the state for corrections' facilities.

(2) Physical plant size.

(3) Personnel.

(4) Operating Costs.

(b) The membership of the committee shall be comprised of the following:

(1) Three members of the senate, including one member from the capital budget committee, appointed by the senate president.

(2) Three members of the house of representatives, including one member from the public works committee, appointed by the speaker of the house.

(3) The commissioner of corrections, or designee.

(4) The director of the office of state planning, or designee.

(5) One public member, appointed by the governor.

(c) The committee shall elect a chair from among its members.

(d) The committee members shall serve without compensation, but the legislative members shall receive mileage at the legislative rate.

(e) The committee shall report its findings and recommendations for legislation to the president of the senate, the speaker of the house of representatives, and the governor, on or before November 1, 1991.

Senator Fraser requested a Division vote.

Division vote.

Yeas: 8

Nays: 14

Floor Amendment Fails.

Senator Delahunty (Rule #42).

Senators Heath and W. King in favor of the Fraser floor amendment on HB 35-A.

SENATOR BASS: Mr. President, I move the adoption of amendment #3083L as a floor amendment to HB 35-A. Like Senator Roberge, I went up to see the Laconia State Prison site, not at the same time, but early last Thursday morning. I had the opportunity to spend 2-3 hours looking the facility over on my own, going through the buildings, talking to the people who were involved and in the same state of mind as Senator Roberge, I went up there with an open mind, willing to go either way on the issue. Ultimately, I came down on the side of supporting the utilization of this facility as a low to medium security prison, but with certain restrictions. Those restrictions which are embodied in the amendment which I just passed out, simply reflect what the authorities up there told me were their intentions. All my amendment does is, amend on page 28

of the bill, to add a sentence. It says the following: the facility will house no more than 500 residents, it will be limited to low to medium security status, and that the authority to operate the facility will terminate in 10 years, unless otherwise authorized by the legislature. Now let me tell you what the gentlemen, the authorities up there told me. First of all, they said that, 'not one dollar of the \$2,000,000 that are appropriated would in any way disrupt the site permanently and preclude its use as any other facility in the future'. Secondly, they pointed out to me that there were certain benefits that would accrue to the community. Most notably the creation of that State Park with the shore frontage on Lake Winnisquam. And thirdly, they told me that really the only reason that they needed this facility was to solve what they perceived to be a short term problem in our prison system. When I entered the legislature in 1982 and I took a tour of the state facility near here, I recall that there were about 350 prisoners and maybe 3 women. Now we are looking at a prison population that is climbing towards 1,400. It really isn't the fault of the Corrections Department that this problem exist. We as legislators have created this problem. If we wish to deal with it, I think that is a different subject, but we have now a crisis which needs to be solved. The fact is, all they are planning to do up at the Laconia site, is to build a fence around roughly 6 buildings and make some renovations, most of which will be in the form of sprinklers, window treatments, some roofing repairs, and so forth. What do we get for that, this piece of property? The maintenance of all of the rest of the buildings on the facility. The creation of that State Park, and I must admit that I agree that \$2,000,000 is not going to go very far towards creating a state park, but give them a chance to try at least. And we will have the opportunity to use this property in the future for other purposes. I agree with Senator Fraser, that using this property as a prison may not be its highest and best use, but it certainly fulfills a function that we have now, of crime, necessity in the state. Yet, it leaves the community the options in the long term to utilize the property for better use in the future. I urge the adoption of this floor amendment and passage of the bill.

Recess.

Out of recess.

SENATOR COLANTUONO: Senator, could you explain why you have decided to give authority in this bill to the Department to go up to 500 residents without having to come back to us at a later time as would have been the case under the original bill?

SENATOR BASS: Senator Colantuno, there are two points in response to that question. First of all, my amendment reflects exactly what the authorities told me was their ultimate objective, not to

exceed. My amendment does not substitute 500 for any existing language that exist in the paragraph now, which says: an alcohol center boot camp for approximately 300 minimum and medium security prison inmates. It simply says that it will not exceed 500 under any circumstances. I am not sure that you could, I think that if they were going to increase the size, they would probably have to consult the legislature anyway. But what this does is put a cap on it for as long as it is around or until that sentence is repealed at 500 which is their long-range plan.

SENATOR FRASER: I am in favor of the Bass amendment, if we could change the ten-year time period in the amendment to seven-years. I would instruct, if the Senate agrees to this, I will instruct the clerk to produce a new amendment reflecting seven-years rather than ten.

SENATOR NELSON: I rise in support of the Bass amendment, with Senator Frasers amendment and I want to publicly support it. I would like to say for the record, and to my colleagues, that having toured the facility along with Senator Fraser, who did take the tour with us, that some of the concerns that Senator Bass has in his amendments are exactly the ones that Senator Fraser has remarked about, and some of the people in Laconia. There have been many people who supported the prison and that hasn't come out today. Secondly, that it is a state owned piece of property. But people were concerned about the level of security or the level of people going in there and they were concerned about the number of patients, I mean prisoners. They thought that there could be 1200 and they were also concerned . . . I don't want to belabor the point. But I do want to say that I strongly support this. In fact, Senator Fraser has carried that message loud and clear to the Capital Budget committee. I am happy to say that this amendment should take care of some of the concerns of the people of Laconia.

Senator Bass offered a floor amendment.

Floor Amendment to HB 35-A

Amend paragraph I of section 28 of the bill by replacing it with the following:

I. The appropriation made to the department of corrections in 1988, 224:1, I, A for phase V prison construction, as amended by 1989, 367:27, I is hereby extended to June 30, 1993. Authorization is hereby granted to expend the remaining funds of approximately \$2,000,000 to renovate Laconia developmental services buildings for use as a drug and alcohol treatment center and boot camp for approximately 300 minimum and medium security prison inmates and

to renovate a facility for use by men and women as a halfway house. The facility shall house no more than 500 residents of low-to medium-security status. The authority to operate this facility as stated above shall terminate 7 years after the effective date of this section unless otherwise authorized by the legislature.

Floor Amendment Adopted.

SENATOR HUMPHREY: Mr. President, I am going to support this bill, but not without some serious misgivings. We're spending a great deal of money that we can ill afford to spend on housing and warehousing prisoners and I don't know how many of those who will end up at Laconia are minimum security prisoners, but I have real questions in my mind whether we ought to be incarcerating minimum security prisoners in the first place if there is a better alternative, which there might well be. This is something that we ought to be thinking about. Perhaps with an eye towards providing a bill next year. That is namely the electronic bracelet approach to dealing with minimum security prisoners. We need to turn the tables on these criminals, if you will, these prisoners so that they are not costing us a bloody fortune. And at the same time, perhaps increase the chance of genuine rehabilitation. So just a little tiny bit of food for thought, at least that is what I hope it is, that maybe we ought to be looking in new directions instead of incurring enormous cost to put people in these buildings, where more often than not, they seem to become worse rather than better. We ought to be looking for alternatives and I hope that is something to which we can direct our attention next year.

SENATOR HEATH: Senator Humphrey, you said that you were going to support the bill, this is the Capital Budget bill?

SENATOR HUMPHREY: That is to say, I misspoke. I meant to say that I am supporting the location of this facility in Laconia.

A Roll Call was requested by Senator Heath.

Seconded by Senator Roberge.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, Colantuono, McLane, Podles, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Humphrey.

Yeas: 21

Nays: 2

Motion to Order To Third Reading is Adopted.

Ordered To Third Reading.

Senator Heath opposed to HB 35-A.

SENATOR BASS (Rule #44): I have been in the Senate for one term and this is my second term, in the House three terms before that. And never in the period that I have been here have I seen a single individual do more to help his district than the Senator from district #4 has done. I would say that just because his amendment did not succeed, does not mean that his district has not been served in the most extraordinarily efficient and successful fashion. It is very hard to be a single individual against a whole body, and against the Executive. I think that Senator Fraser deserves tremendous credit for the work that he has done on this issue and I am only glad that it wasn't me that had to face that kind of odds that he had to face. I think that we should all learn from this diligence and his ability to stick to an issue. He almost had it, the issues will come again and there is always another day, but certainly he deserves a lot of support and credit from all of us.

HB 327-FN, an act relative to the disposal of state-owned real estate.

Capital Budget committee. Ought to Pass. Senator Oleson for the committee.

SENATOR OLESON: This bill in reality is a quite simple bill. It has been by the request of the Highway Department. And what the bill really does, is that if they are putting a piece of highway through a certain person's property, the state can make a deal more or less, with the property owner whereby the state can give him a property of equal value or land in exchange for the land that he might want. I have two instances since I have been down here in the last two years, whereby if this bill had been in place it would have been to the benefit of the landowner and to the benefit of the Highway Department. They seem to think that if this bill was in place when something like this occurs, they might be able to negotiate within one or two months. Whereas under the old-fashioned way, which we are under at the present time, I hate to tell you, that it might take as much as a year. I think the time, the money saving, and efficiency, I urge my colleagues to vote in favor of HB 327. Thank you.

Adopted.

Ordered To Third Reading.

HB 784-FN, an act creating a long-range construction program for New Hampshire's highways and highway bridges. Capital Budget committee. Ought to Pass with Amendment. Senator Shaheen for the committee.

SENATOR SHAHEEN: HB 784 sets up a program that would really make the legislature part of the process of long-range planning for highways and bridges. It is in response to the 1992 Federal Aid Highway Act. But what it will essentially do is require that the Commissioner of DOT along with the council, will continually look at our highway program and re-evaluate that on a two-year basis, and then that plan would be submitted to the legislature for their input. The amendment to 784 is an amendment that this Senate looked at and passed some time ago that sets up a study to look at the toll system throughout the state. I certainly think that we ought to support 784. It is one of the things that the Capital Budget committee has been talking about that would give us access to information about what needs to be done relative to highways and bridges in the future and would make that determination based not on a political judgment, but on a technical judgment about what is going on with those roads and bridges. So I would urge the body to pass the bill as amended.

Amendment to HB 784-FN

Amend the title of the bill by replacing it with the following:

AN ACT

creating a long-range construction program for New Hampshire's highways and highway bridges and establishing a committee to study the toll highway system.

Amend the bill by replacing all after section 3 with the following:

4 Committee Established. There is hereby established a committee to study toll rate inequities within the New Hampshire turnpike system.

5 Membership.

I. The committee members shall be as follows:

(a) Two members of the senate, one of whom shall be from the transportation committee and one of whom shall be from the capital budget committee, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be from the public works committee and one of whom shall be from the transportation committee, appointed by the speaker of the house.

(c) The commissioner of transportation, or designee, who shall be a non-voting member.

(d) One member of the public representing the city of Dover, nominated by the governing body of Dover and appointed by the governor.

(e) One member of the public representing the city of Nashua, nominated by the governing body of Nashua, and appointed by the governor.

(f) One member of the public representing the city of Rochester, nominated by the governing body of Rochester, and appointed by the governor.

(g) One member of the public representing the town of Bedford, nominated by the governing body of Bedford, and appointed by the governor.

(h) One member of the public representing the town of Hampton, nominated by the governing body of Hampton, and appointed by the governor.

(i) One member of the public representing the town of Hooksett, nominated by the governing body of Hooksett, and appointed by the governor.

(j) One member of the public representing the town of Hudson, nominated by the governing body of Hudson, and appointed by the governor.

(k) One member of the public representing the town of Merrimack, nominated by the governing body of Merrimack, and appointed by the governor.

II. The committee members shall be appointed within 30 days of the effective date of this section. The senate members shall call the first meeting of the committee. The committee shall elect a chairperson from among its members at the initial meeting of the committee.

6 Duties of the Committee. The committee shall study the state's system of toll roads, examining the costs of building and operating such roads, and recommending ways of making the toll road system more equitable for the residents of New Hampshire who travel such system.

7 Report. The committee shall submit a report on its findings, including any recommendations for legislation, to the president of the senate, the speaker of the house and the governor not later than November 1, 1991.

8 Mileage. Legislative members shall receive mileage at the legislative rate when attending to the business of the committee.

9 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of transportation to develop a long-range construction program for New Hampshire's highways and highway bridges.

This bill also establishes a committee to study toll rate inequities within the New Hampshire turnpike system.

Amendment Adopted.

SENATOR ROBERGE: Last weekend my daughter was traveling through route #3 in Hooksett, she was following a truck and she was going about 45 miles an hour and there was a dog in the back of this truck. Well, there were some children on the side of the road and they were having a pretty good time and so they started saying 'here boy, here boy', the dog jumped out of the truck and was hurt. The truck stopped and the guy got out and checked on his dog. My daughter stayed with the dog while the owner went to get help for the dog. As far as she could tell from then on, the dog was paralyzed, an unnecessary accident. It not only was an unnecessary accident for the dog, and kind of a heart-breaking incident for the owners. It could have caused a further accident if she was following closer, you know she may have had to swerve out of the way and hit another car. She could have gotten hit. It is a potential hazard. So with this particular amendment, we are making it a traffic violation and you have passed this particular measure before. I have tightened it up somewhat to only have dogs instead of animals, and to have it limited to certain class, to exempt certain classes of roads, for instance, less traveled roads, farm roads and those kinds of things. So I feel that I have addressed all the concerns, both in the House and the Senate with the farmers, the hunters and I urge you to pass it.

SENATOR HEATH: Senator Roberge, what have they done with all the bills that we have sent over with these, with this amendment on?

SENATOR ROBERGE: Well, the bill was killed on the floor of the House once. It was sent over as an amendment and it was, it didn't get out of the committee after it was recommitted. But, however, since the bill has gone to the House those times, I have amended it to not say animals, because the farmers were upset with it. They were wondering how they were going to take their pigs to market, it got to be a huge issue. Frankly, I feel that if the farmers had concerns they should have addressed them in the House hearing, but they didn't choose to do that, so I had no time to realize that they would have concerns; however, I have addressed concerns of everybody who has talked to me and I think that this is a even-handed approach.

SENATOR HEATH: Senator, my question was, didn't they kill the last bill that we sent it over on?

SENATOR ROBERGE: Yes.

SENATOR HEATH: Don't you think that is the likely fate of this bill, if we pass this amendment?

SENATOR ROBERGE: No, I don't, because I have changed it.

SENATOR MCLANE: I'm sorry, Sheila, but I guess the time has come. We all happily went on to the amendment for the second time and passed it over to the House and as Senator Heath has pointed out, they killed the bill it was attached to. This is an important bill, the long range construction program for New Hampshire and I really think that to a little bit make fools of ourselves over a bill that carried a great deal of emotional weight in the House. They apparently had a long and rocky debate, I would rather have the Senate stick their necks out three times on something of a little grander, greater import than dogs in the back of trucks. We were here yesterday afternoon until late discussing a \$300,000,000 problem that we have before us and I would suggest that the Senate concentrate on that.

SENATOR OLESON: I am hesitating in opposing this amendment, I think the reasons were stated quite clearly by Senator McLane and also Senator Heath. Many of my constituents, they have small trucks and they have a dog and you see them going down the street. The man and wife in the front and the dog in the back. Knowing me you would see if this bill passes you would see the man and dog in front and the wife in the back. But what really does disturb me, however, is whoever rules the roost in the household, the wife might be driving and the poor husband in the back.

Senator Roberge offered an amendment #3071.

Floor Amendment to HB 784-FN

Amend the title of the bill by replacing it with the following:

AN ACT

creating a long-range construction program for New Hampshire's
highways and highway bridges, establishing a committee
to study the toll highway system and
relative to transporting dogs.

Amend the bill by replacing all after section 8 with the following:

9 New Section; Transporting Dogs. Amend RSA 265 by inserting after section 104 the following new section.

265:104-a Transporting Dogs. No person shall transport a dog in the back of an open truck on any class I, II, III or IV highway unless the dog is enclosed in a cage secured to the truck or unless the dog is secured in such a way as to maintain the entire body within the confines of the truck. For the purposes of this section "open truck"

shall mean any truck which has no roof or covering over the body or bed of the truck or which has a roof or covering which is not sufficient to ensure that the dog is protected from the elements. Any person who violates this section shall be guilty of a violation.

10 Effective Date.

I. Sections 1-3 and 9 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of transportation to develop a long-range construction program for New Hampshire's highways and highway bridges.

This bill also establishes a committee to study toll rate inequities within the New Hampshire turnpike system.

This bill also prohibits persons from transporting a dog in the back of an open truck on any class I, II, III or IV highway unless the dog is enclosed in a cage secured to the truck or unless the dog's entire body is secured within the confines of the truck.

Recess.

Out of recess.

Senator Roberge withdrew the floor amendment.

Ordered To Third Reading.

RESOLUTION

SR 8, establishing deadlines for the 1991 session.

SENATOR HOUGH: If you would pay close attention to SR 8. It would be recommended by your Rules committee that we adopt this Resolution and clearly indicate to our colleagues on the other side of the wall, the framework which we intend to proceed through the Resolution of this session. That being the case, the first part of the Resolution would require that action on all legislation including the so-called budget bill, all bills in Finance, Capital Budget committees, and all Revenue bills in the Ways and Means committee should be acted on by the Senate, no later than Wednesday the 29th of May. Secondly, all Committees of Conference shall be established May 29th. Third, that the Conference sign-off by the Conferees be no later than 5 p.m., on Thursday, June 6. All committees of Conference reports will have final and Senate action on Tuesday, June 11. Your Rules Committee has looked at this schedule very carefully. You should understand that this puts us into a position of handling the business before us in a discipline fashion. We strongly recommend

that you act favorably upon this resolution, failure to do so would allow for the Session to literally come unraveled.

SENATOR HUMPHREY: Well, Mr. President, I don't know what is so sacramental about the day of May 29. It may be that if we get into one of these 18 hour days, we will make mistakes. It's been my observation when you're tired and frustrated you make mistakes. Certainly, the intent is praiseworthy to expeditiously wind-up our business. It does seem to me that putting a deadline for the passage of the budget, putting in place a deadline of tomorrow for the passage of the budget is likely to cause us to make some serious mistakes. I don't see what is wrong with a few more days devoted to the process. I really believe that under that circumstance we are likely to come up with a better product.

SENATOR PRESSLY: Senator Hough, I appreciate your concern as many of us have to stick to a schedule and to accomplish the work; however, I have some concerns also about the pressure when one can make mistakes. What ability do we have tomorrow to alter this depending on what tomorrow holds. If for instance, we should get into a very difficult late session, a much lengthier debate than we anticipate or see at this time? Would we have the ability to suspend the rules and change this while we are trying to meet the deadline?

SENATOR HOUGH: This is a Resolution, the Senate, we are only dealing with the Rules of the Senate. The Rules of the Senate can be changed to accommodate the at hand situation at any time, but you have had experience in the House. That is the clock and it may be 4 o'clock in the morning, past midnight tomorrow night, it may be at midnight, but we can stop the clock, enter into recess and come out of recess, if you will, at a subsequent day and have 24 hours under which we are back in session under the stop the clock mode. It doesn't necessarily mean that you would have to come back on Thursday, or Friday, or Saturday, or Sunday. It could be decided that you come out of recess at a time to be announced and you would be proceeding under the stoppage of the clock for 24 hours. We could also address any other contingencies that might be necessary.

SENATOR PRESSLY: Am I lead to believe that this is strictly a suggestion?

SENATOR HOUGH: It's a Resolution that would require a majority vote of the Senate and that would affect the timing of the actions of the Senate in Senate Rules. It wouldn't require action by another body. It would be a statement to the other body. Similarly the House I believe you will find, has taken action in regard to House Rules and that clearly indicates to us what the House intends to do and when they intend to do it.

SENATOR PRESSLY: Tomorrow being the 29th deadline, should we find ourselves in a situation as a body, that we would like to have another day in which to conduct the money bills, what sort of a vote. Is it a simple majority vote that this body could change these dates in order to respond appropriately to whatever happens tomorrow?

SENATOR HOUGH: The answer would be that this is a Resolution and you passed the subsequent Resolution. I think the point that you must understand is that if you were to get to a point where it seemed reasonable to revisit the subjects before us at another day, that you would not adjourn, but recess. The clock would have stopped and you could come out of recess six hours later, eight hours later, under the stop the clock and you would have 24 hours to conclude your business. There is nothing that says it has to be the next calendar day either. Quite frankly, the leadership would have to discuss with the members when the most practical convenient time to come out of recess would be.

SENATOR HEATH: Senator Hough, for clarification for those who didn't have the benefit of serving in the House and understanding how we screw around with the clock. Would it be fair to say that when we violate our own deadlines, we simply declare that it is not really the day that it is, finish our business and then declare that we have met our deadline?

SENATOR HOUGH: On the day that we intended to meet?

SENATOR HEATH: Yes, even though it wasn't that day at all, in the outside world?

SENATOR HOUGH: Roger, do you know the answer to the question that you want me to answer?

SENATOR HEATH: Are the days of Joint Rules now dead with the passage of this session?

SENATOR HOUGH: One of the more positive and unique things about this session of the legislature, is that the complexion of the Senate is different than Senates past. We have not been coerced into adopting Joint Rules by the other body. We have not visited that, and it would be my recommendation that we do not adopt Joint Rules. We haven't, and I would think that the Senate has one more piece of action before they adjourn Sine Die. That would be for the Senate to adopt Senate Rules on how the Senate wishes to proceed in the second year. I think it is to our advantage not to have Joint Rules, because were we to entertain that at this time, we would be accommodating the other body and not accommodating the wishes of this body.

SENATOR HEATH: Is that the declaration of war that always happens around this time of year?

SENATOR HOUGH: No, that is going to come if we adopt this Resolution. I should think that the declaration of war would be between the 29th and June 6th. That would be the time-frame of which you could enjoy the skirmish.

PRESIDENT DUPONT: Thank you, Senator Hough. There have been several questions that have been raised. Just to confirm what has been already said, this is a Resolution. We are not amending Senate Rules. It would take a two-thirds vote to amend the Senate Rules. This can be changed by a simple majority. The House has a deadline tomorrow, May 29 on all Committee of Conferences. So anything that we don't act on is going to require suspension of the rules over in the House. Furthermore, the issue of Joint Rules when we started out discussing Joint Rules, the House had deadlines that would have put us here to the end of June. Now they have already moved their deadlines up at least two weeks at this point in time. So one would assume that if we would have adopted the original Joint Rules proposal as offered by the House, we would have been here July 4th. So I think the actions that we have taken not to have Joint Rules have worked to the advantage of the Senate at this point in time. I believe that this ought to be adopted to put us in a position where we can conduct our affairs the way that we would like them to be conducted for the next couple of weeks.

SR 8

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety-one

A RESOLUTION

establishing deadlines for the 1991 session.

Be it resolved by the Senate:

1. Final action on all legislation, including the so-called budget bills, all bills in the finance and capital budget committees, and all revenue bills in the ways and means committee shall be acted on by the senate no later than Wednesday, May 29, 1991.

2. All committees of conference shall be established by Wednesday, May 29, 1991.

3. All committees of conference shall be signed off by conferees no later than 5:00 p.m. on Thursday, June 6, 1991.

4. All committee of conference reports shall have final senate action on Tuesday, June 11, 1991.

Adopted.

Senate Resolution #8, is Adopted.

VETO MESSAGE

To The Honorable Members of the General Court:

I have this day vetoed SB 173-FN-A, an act relative to senior "meals on wheels" and senior transportation and making an appropriation therefor.

I consider "meals on wheels" to be an excellent and effective seniors' program. It is a program that I have consistently and strongly supported. In fact, over the last two years, during this difficult budget period, we have actually increased the budget for "meals on wheels" by \$300,000 and in the coming budget we maintained that increased level of funding. However, this bill steps out of the budget process and allocates an additional \$600,000 to "meals on wheels."

Obviously, there are many excellent programs including Aid to Financially Dependent Children, health care programs, education programs, which like meals on wheels could request more funds, but if we are to have a balanced budget and a budget process that is not chaotic we need to manage all accounts within the context of the budget process. We cannot pick out programs and fund them outside the budget process because the effect of such action will be that other worthy programs will have to be reduced in order to pay for the favored program.

Had I signed the bill it would have added \$600,000 in reduction or cuts that would have to be made to other important programs within our spending plan.

As a matter of public policy it is my absolute conviction that each program appropriation must be contained in the general state operating budget and each program measured against all other programs and priorities established by the General Court.

We intend to safeguard the current level of funding of "meals on wheels" during these very difficult financial times. These are important services for New Hampshire's senior citizens and ones which I wholeheartedly support. We currently provide 5,000 meals a day and over the course of a year more than 20,000 people will benefit from these services. But, this is not a time when we can expand these services further at the expense of other services.

It is for these reasons that I do not feel it to be in the best interest of the State of New Hampshire that SB 173-FN-A become law and I am hereby serving notice that I shall veto any similar attempt to increase appropriations for currently authorized programs outside the budget process.

JUDD GREGG
GOVERNOR

SENATOR DISNARD: The Senate Democrats made a fight and we all worked together the entire Senate, last week. The Senate Finance included in its budget the sum of \$700,000. We all were aware, especially the Senate Democrats, that Governor Gregg would attempt to veto a bill that would assist the elderly and the unfortunate in this state. Therefore, we believe that we have accomplished our purpose and we also really believe that the Senate will fight to the last wire in the Committee of Conference to include this amount of money to help feed the unfortunate and the elderly as I mentioned for Meals on Wheels.

SENATOR MCLANE: I would just like to say one thing about the Governor's message on his veto of Meals on Wheels. That is, that perhaps it is symbolic that he doesn't mean what AFDC stands for and he discussed aid to financially dependent children instead of aid to families with dependent children. I would like to point that out to the Governor and his office and say that perhaps I think that it is symbolic of a perception problem about poor people in this state.

SENATOR BLAISDELL: Senator Hough, in the budget process that we just went through in HB 25, would you give the Senate the amount of money that we put into Meals on Wheels as a first priority out of this Senate? It was a commitment that we made on the floor of this Senate to put into the budget in the right process by the way, in the budget process, what we did with Meals on Wheels and would you please tell them what we have done?

SENATOR HOUGH: The Senate Finance committee's position on Meals on Wheels is \$394,364 over what the Governor and the House recommended. It is those dollars that will provide the same number of meal units as in the prior year under the new per meal rate.

SENATOR PODLES: Senator Hough, does this include the transportation?

SENATOR HOUGH: Yes, it does. There is also a \$74,748 enhancement of the transportation portion or a biennial figure rounded to \$150,000 to maintain the transportation services.

SENATOR PODLES: Senator Hough, do I clearly understand that we have \$394,364 for Meals on Wheels and that also included the transportation?

SENATOR HOUGH: You have \$394, on the meals piece and \$150, on the transportation piece over and above both what the Governor recommended and the House passed.

SENATOR PODLES: Okay. Thank you.

SENATOR HOUGH: Mr. President, I rise to support the Governor's veto. Clearly this body has spoken. Quite frankly, I have no problem with the policy established by this body back a number of months ago when the House had not acted. Clearly the Senate Finance committee was not in a position to act. My good friend Senator St. Jean clearly did not want to proceed on a basis of trust and I took that for what it was worth. So I instructed not only the LBA, but the agency to provide under the new rate, the number of meals they are presently providing. There is a dramatic difference in what we are spending for meals. And we are also maintaining the transportation unit. Now the House, over the objections of the House Appropriations committee, passed this bill. The Governor has seen fit to veto the bill because it is handled outside of the appropriating process. Far be it from me to try to influence the decision of this body. But clearly I recognize what the wishes and the policy of this body was, and is. The document that we will be bringing forth is a recognition of that with the proper appropriation which in the meals section, is in excess of even the \$300,000 in the bill. Recognizing that, to over-ride a Governor's veto that of a bill that appropriates less than that which you want, raises the dialogue of the debate to another agenda. I will leave it to those among us who might wish to pursue another agenda. I would tell you that the amendment that you will have in the biennial appropriation act, more clearly recognizes the wishes of this body. Were you to sustain the Governor's veto, your budget document would be correct. Were you to override the Governor's veto, it would be all for not, although that may satisfy other considerations. We are looking at maintaining and putting meals in front of those people that are presently receiving meals, and that we will do. Anything else that we might do in this body is left to another set of events. Sustain the Governor's veto.

SENATOR MCLANE: I hate to do this, but, Senator Hough, I am going to ask you an almost yes or no answer.

SENATOR HOUGH: You want to make a bet?

SENATOR MCLANE: As I remember that day that we passed the Meals on Wheels, we were trying to send you guys a very clear message. You got the message. And I guess my question is: on that day, we left prenatal care, which we were feeling the same way about, on the table. I was persuaded by you and by Representative Hager, not to put in a separate bill for emergency services for AFDC and for added training money for state social workers. Those

two items I believe have now been put in the budget or taken out. I am not sure, but I guess I want to know something. How do we send you guys a signal?

SENATOR HOUGH: Well in answer to your question, Senator McLane, at the point when we addressed the bill relative to Meals on Wheels, you made an assumption as to what we would structure the Finance committee's position on Meals on Wheels. I would tell you that regardless of whether or not you pass the bill, the signal had already been sent.

SENATOR MCLANE: Okay, thank you.

SENATOR HOUGH: Now the maternal child health piece I would tell you was tabled. The Finance committees position clearly recognizes the dedication, the involvement and the good work that you brought to us in our deliberations a week ago. So it isn't so much a question of trust me, it's a question of working with us so that we do the right thing. And I think in those two instances, you will find that we have read the sentiments of the body.

PRESIDENT DUPONT: Senator McLane, don't say that I didn't warn you.

The Question is on The GOVERNOR'S VETO.

It requires a 2/3 Vote and a Roll Call.

The following Senators voted Yes: Oleson, Heath, McLane, St. Jean, Shaheen, Cohen.

The following Senators voted No: W. King, Fraser, Hough, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, Colantuono, Poldes, Humphrey, J. King, Russman, Delahunty, Hollingworth.

Yeas: 6

Nays: 17

VETO IS SUSTAINED.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 116, relative to vacancies in the New Hampshire general court.

HB 269, relative to probate court scheduling.

HB 289, relative to regulating commercial salt water fishing.

HB 393, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor.

HB 458, relative to the composition of the wetlands board.

HB 493, relative to the design review fees for sewerage and waste-water projects.

HB 547, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns.

HB 620, relative to the transportation of alcohol in open containers.

HB 667, relative to clean-up of health nuisances.

SB 5, relative to Skyhaven airport.

SB 14, relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor.

SB 61, relative to speedy payments for the care of children in foster homes.

SB 67, relative to establishing a study committee to study the feasibility of revising the school building aid formula.

SB 118, relative to the department of revenue administration.

SB 125, relative to child abuse and neglect proceedings.

SB 140, establishing a committee to study rate setting for certain services, placements, and programs.

SB 155, relative to mechanics' liens.

SB 165, relative to permit fees for excavating and dredging permits.

HB 212, relative to black bear hunting licenses.

HB 637, relative to insurance fraud.

SB 7, relative to an industrial center at the University of New Hampshire and making an appropriation therefor.

SB 189, allowing raffles to be conducted at the same place as bingo games and increasing raffle prize award wholesale cost.

CACR 7, members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices.

Senator Currier moved adoption.

Adopted.

HOUSE CONCURS WITH SENATE AMENDMENTS

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills and Resolutions sent down from the Senate:

HB 137-FN, relative to railroad rights-of-way.

HB 248-FN, relative to developments having regional impact.

HB 391, to permit the adoption of impact fees as part of a zoning ordinance.

HB 517-FN, relative to watercraft safety, and moorings.

HB 610-FN, establishing a committee to study means of approving programs for collecting the fines and fee imposed by the state.

HB 720-FN, relative to fireworks.

HB 736-FN, relative to energy facility siting, licensing and operation.

HB 757-FN, repealing the law relative to employment offices.

HOUSE REFUSES TO ACCEDE

The House of Representatives refuses to accede to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 223, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to SB 28-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to promoting New Hampshire businesses and products internationally and continually appropriating a fund for international trade promotion.

Amend the bill by replacing lines 2 and 3 of section 2 with the following:

inserting after section 2-g the following new section:

12-A:2-h International Trade Promotion. The commissioner of resources

Amend the bill by replacing lines 12 and 13 of section 2 with the following:

committee on international trade established in RSA 12-A:30 and may draw on the revolving fund created under RSA 12-A:31.

Amend the bill by replacing lines 2-9 of section 3 with the following:

Established. Amend RSA 12-A by inserting after section 29 the following new subdivision:

International Trade Promotion

12-A:30 Advisory Committee on International Trade.

I. There is established an advisory committee on international trade. The advisory committee shall assist the commissioner of resources and economic development in carrying out the duties assigned under RSA 12-A:2-h. The advisory committee shall:

Amend the bill by replacing line 9 of RSA 12-A:29 as inserted by section 3 of the bill with the following:

development to accomplish the purposes of RSA 12-A:2-h. The moneys in this

Amend the bill by replacing line 1 of RSA 12-A:29 as inserted by section 3 of the bill with the following:

12-A:31 International Trade Promotion Fund. There is hereby
Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to SB 55-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to replacing the Warren Bridge on New Hampshire
Route 25 and extending the deadline
for completion of a study.

Amend section 1 of the bill by replacing lines 2-4 with the following:

1988, 215:2, I by inserting after subparagraph (uu) the following new subparagraph:

(vv) Warren NH 25/Baker River

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to SB 57-FN

Amend the bill by replacing section 4 with the following:

4 Compensation. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to SB 3-A

Amend line 2 of section 3 of the bill by replacing it with the following:

Amend 1986, 203 as amended by 1988, 266:2 and 1990, 244:2 and 3 by inserting after section 8-b the following new sections:

Senator Currier moved adoption.

Adopted.

Recess.

Out of recess.

TAKEN FROM THE TABLE

Senator Roberge moved to Have HB 298, an act lowering the level from .10 to .08 for legal intoxication under the DWI laws, Taken Off The Table.

Adopted.

HB 298, an act lowering the level from .10 to .08 for legal intoxication under the DWI laws. Transportation committee. Senator Heath for the committee.

SENATOR HEATH: Briefly speaking to the amendment. It was the committee amendment with these two clarifications that have been added and I consider them really clarifications they don't cut new ground. The original amendment moved the liability on the seller and server up to 1.2, at the same time moving the level on the drinker and driver down to .08. There was concern that inadvertently in doing that, we may have excused the server and seller from selling or serving to under 18 year olds, and we didn't intend to do that. That is clarified in this amendment. The other concern was whether it had to be a commercial server. We didn't want to make it exclusively commercial because the person serving someone in their own home is even less trained than the person in the lounge or restaurant. We felt that they should have the same protection against the third party suit. So that is made clear in this amendment, without exception it is the clarification. It is the committee amendment on the original legislation as it came out of the committee and I would urge your support for that amendment.

SENATOR PRESSLY: I rise in support of this bill. I also support the amendment offered by Senator Heath. I would like to give you a little history as to how I became involved in this legislation and have been since the session has been going on. I have always been sup-

portive of enforcing our DWI laws and to see to it that a trend in our nation be reversed. As we all know many people every year are killed and injured on our highways because people choose to drink alcohol and drive. Many years ago, I had the privilege of living in the country of Sweden where they probably have the highest per capita consumption of alcohol. You could not imagine the number of people who drink beer and schnapps at quite a high rate. The difference is they do not choose to get behind an automobile and drive and kill people. They drink a lot, but they don't combine the two activities of drinking and driving. Therefore, I feel because I have seen this in action, that in no way does a passage of a bill like this need to hurt any of the businesses. It does not have to hurt the consumption of alcohol. The message is, you should not do both at the same time. I agreed being committed to this philosophy that people should not drink and drive. I agreed to sign on with the task force. The task force came out with a lot of ideas that needed to be worked on in order to minimize the number of people that are killed and injured on our highways through drunk driving. This is one part of the package and in no way do I come before you telling you that this .08 is going to solve the problem. It is a part of a package of enforcement, education, to get the message out, that we as a community and as a society, are not going to tolerate the combination of those two activities. Last night, on CNN News, they had a report from California. As many of you may know, California is one of the now six states that has a .08 blood alcohol level test. Two of the other six, happen to be abutting states, both Maine and now Vermont has now passed it. But California is one of the states that has had this law in effect for a year. According to a report that I saw on CNN News, and if I were magical I would have somehow got it here today, that says that over the year that this law has been in place in the state of California, the numbers of alcohol related deaths and accidents have dropped by 5 percent. Many of you have asked over the length of the debate, 'do we have any proof that it makes a difference?', I think that with the year in California, we now know that it can, and does make a difference. I received a letter today from the Police Department. From the Weare Police Department indicating that on Saturday, May 25, 1991 at 6:42 p.m., the author of this, Scott Fraser, arrested a 21 year old for DWI. I am not going to read the whole letter. It was in a situation where two children were almost killed thanks to be people being present, it was prevented. The breath test came in at .10. The arresting police officer knows from experience. They were there. They sobered the guy up. By the time they got him to the test, he knows from experience that with the breathalyzer with the margin of error of .005 that this guy will be back on the road. If we had the .08 law in effect today, very possibly we would have been able to

keep this driver off of our highways and hopefully help him to not mix the two activities of drinking and driving. It is my opinion and I think it is happening across the nation, that more and more states will be adopting this now that California's data is in. And it seems to be accurate. It is now being reported that this is one aspect that is going to make a difference on keeping drunk drivers off the highway. We have a choice today. It is my belief that this .08 is eventually going to be law, not only in New Hampshire, but across the nation. We have an opportunity today to be a leader. A leader in the states in sending out a message. We can wait a couple more years if you want. And we can be the followers and wait till everyone in New England has it or we can be leaders and step forth and say that we as a state are going to do everything possible to send the message that people may not kill other people by drinking alcohol beyond their level of capability, get behind a wheel and use an automobile as a weapon to kill others, thank you. Just one more thing. This was also handed to me today. In the Concord Monitor from Monday, May 27, a route 4 crash kills two. State police say alcohol played a role. So if anyone tells you that it is current, it's not happening, it is and here it is in the paper right here.

SENATOR COHEN: I rise in support of this amendment as has been my position before in support of the Heath amendment. As many people have said that my vote on this has been a pivotal vote. I've had tremendous, tremendous unprecedented pressure on me on this particular bill. To be perfectly honest, my choice, my decision has been a very, very difficult one for me to make because the answer isn't simple or clear unlike other issues. It is not simple or clear as the Union Leader would have us believe. The Union Leader and it's spokespeople paint a picture. Either you're for .08 or you favor an all out drunken slaughter on our highways. This is absurd and it is an insult to the intelligence of this body. As is typical of the Union Leader, the picture is inaccurate and the issue is just not that simple. On the one hand as the law stands impaired drivers who register .10 are now rarely convicted. I believe the people with the blood alcohol content at this level should not in fact be driving. Yet it's true that the real problem with drunk drivers is the problem drinkers and the repeat offenders. People with a blood alcohol content with well over .10. It is true that New Hampshire is already tough on drunk drivers and that the people are really getting the message more and more that you simply do not drink and drive. It is also true that the responsibility has to be on the individual who drinks and not the server. That is why I support this amendment. The servers in the bar, and restaurants, I think they are doing an impressive job and have been exceptionally responsible in observing and cutting off

drunks. And I can't agree with where servers should now bear the responsibility which this bill would do without the amendment. It is also true that despite the best intentions of some who favor the original bill, that the discussion can quickly get out of hand. And in this discussion there has been a lot of emotional feelings. But I tell you we must not allow ourselves to fall prey to the excesses of a 0 alcohol tolerance zealots were swept up in a fever pitch crusade. To this crusading zealot .08 is not enough, they will not stop there. They will not stop at .05 for anywhere, zero alcohol tolerance is an idea whose time came and went 60 years ago. The message that we must send out is that the people must take responsibility for their actions. The reality is that people are becoming more responsible. The laws must be reasonable and fair while protecting the citizens from undue dangers. I have had a hard time deciding because there are good arguments on both sides of this issue and many of us had a hard time deciding too. The pressure has been intense. I must say almost exclusively from the .08 advocates. As all of New Hampshire knows the best restaurants in New Hampshire are in Portsmouth. And while they have put no pressure on me, I am sure that we all agree on that, right? But they haven't put any pressure on me, none whatsoever. But I have been sensitive to their interest and their concerns about unfairly, and unjustly increased liability. I will tell you the people of my district are certainly not united behind lowering the blood alcohol content to .08. In fact, despite all the fear by the Union Leader, despite their publishing my phone number day in and day out, I have received not one call from anybody in my district. All I can do is listen to the people in my district and to my conscience, and try to put it into perspective and try to do the right thing, which in this case hasn't been easy. I have been unconvinced that this measure is necessary. But I am willing now to support this measure. Without this amendment, however, I will vote against the bill, and I urge support of this amendment.

SENATOR CURRIER: I made somewhat of a quandary. I agreed that .08 should be the law of the state of New Hampshire. I mean I think it is kind of ironic that this body has recently passed a ban on fireworks. And when the helmet law comes up for debate we always take a different position there. But regards to drunk driving, I think that .08 sends a message out loud and clear to every citizen in the United States who would come to New Hampshire that we are not going to tolerate drinking and driving. I am not sure what I am going to do at the moment with regard to the amendment before us. I think the amendment before us is totally ridiculous. It is nothing more than a way to try to get someone else to vote on this measure so that it will be tolerable for others. And the problem that I have

with that is, that there is a law on the books currently that deals specifically with the alcoholic beverage license liability act. And those people who are actually there to serve alcoholic beverages are covered under the statute, and I think that they are adequately covered under the statute. I would urge this body to vote no on this amendment that Senator Heath is proposing, and vote for the bill as it was referred to by committee.

SENATOR HOLLINGWORTH: I stand with some reluctance to speak on this issue because this amendment that I see before me, the floor amendment by Senator Heath, I think came at my suggestion because I told him that I could not support his original amendment because what he was doing in his original amendment was saying that those people who are trained to recognize when someone's beginning to be inebriated would be exempt from liability. But those people like yourself, who may seldom serve anyone a drink, who might have a party at your house for your anniversary or your daughter's graduation might end up serving someone beyond .08 and for them to be found guilty and to be penalized and be held liable where someone trained in alcohol awareness was not. So I think that this amendment comes at my request. And I thank Roger for considering what I have to say, but I still have to object to his floor amendment. Because having served for many, many years on House Judiciary, I have seen what happens when we try to change the liability and say people will not be compensated. For example, I stand here before you as one who opposed the municipality piece of legislation because I said that that was crafted improperly and that it would be struck down by the state Constitution and it was. I also was one who stood in the House and opposed the cap on pain and suffering because I also stated that we are entitled under our Constitution to recover for our injuries and that would be struck down. And though I know that no one likes 'I told you so', I hate to say at this moment in time. I have to say that to craft something like this will not be Constitutional. It is not going to be something that will be able to be held up. And though I recognize that this is an attempt to pass the .08, I will speak on both issues. The .08 and this amendment if I can at the time, is that appropriate while I am on my feet?

PRESIDENT DUPONT: Senator, before you is the amendment, your remarks should be limited to the amendment and then you may.

SENATOR HOLLINGWORTH: Alright, then I will speak later on the other issue.

SENATOR ROBERGE: I served on the Governor's Task Force for a number of years now and we heard testimony over and over again about the fact that people are impaired at .05 and .08 is a very rea-

sonable compromise. Just this past weekend, Friday, Saturday, and Sunday, state police arrested 40 people for DWI. I want to tell you about a constituent who called and he said, 'I am very much against your stand on changing the BAC from .10 to .08'. He said, 'I live in Bedford and I have a restaurant in Manchester', and he told me what restaurant it was. You know he said, you are going to cause people to drink less and it is bad for business. And I said to him, you have a lovely restaurant, the emphasis in your restaurant is an atmosphere in food. People do not go to your restaurant to drink until they get drunk. And he continued on that issue and I finally said, you know I think just because it is bad for business is not a proper reason for opposing this measure. This is a health safety measure, not a good for business measure. And I will tell you that I was not able to convince him. But I do think it is a very poor reason for being against this issue, thank you.

SENATOR COLANTUONO: I rise in support of the so-called Heath amendment even though when the matter was before the body several weeks ago I rose in opposition to it. Because at that time I didn't think that it was a good idea and I still have reservations similar to Senator Currier, although I come down on the opposite side and I hope that he will reconsider. The issue here obviously, is whether we can pass a bill that is going to enhance public safety by lowering the BAC level in this state from .10 to .08. And discussing this amendment, I think that all the Senators have to ask themselves if they have a concern about the amendment. How does the balance between the good of the .08 and the potential bad of this amendment weigh out. You do that balancing test and where do you find yourselves? And I find myself believing very strongly that if we can get the law lowered to .08 in this state and join our neighbors of Vermont and Maine and the other states in the country, I happen to think, Senator Pressly, that the federal government will be moving in this direction soon. They have already set .04 as the level for truck drivers. But I think that the number of lives that are going to be saved over the years, the number of auto accidents that are going to be prevented. The millions of dollars in auto repair bills that will occur. The millions in dollars of medical bills that won't be spent. And the resulting of lowering of insurance premiums are well worth taking the chance that under this amendment you may get a potential plaintiff at one time or another who might not be able to sue a server. Keeping in mind that when a drunk driver goes out and causes an accident oftentimes that drunk driver will have insurance. But oftentimes the injured party will have insurance too. That is known as uninsured motorist coverage. And we have a law in this state that says that your uninsured motorist coverage has to be just

as high as your liability coverage. So it is not as if we are leaving these people totally bare. Also, under the law that Senator Currier referenced, it is not necessarily true that a plaintiff suing a tavern or some other server is going to win under that law at any level over .10. That is just not the case. So I think that this amendment is going to apply to a relatively small number of cases in the future. It is a risk that I am willing to take if this amendment were ever knocked out by future legislation, that would emulate the problem, if the court struck it down, that would emulate the problem. So I think on balance, this amendment is not something I am totally in favor of, but I am willing to support it if it will help get this important bill passed. I urge anyone thinking of voting against it that supports this bill to please change your mind about that and do as I am doing, and support the amendment.

Senator Heath offered a floor amendment.

Floor Amendment to HB 298-FN

Amend the bill by replacing sections 1 and 2 with the following:

1 Intoxication. Amend RSA 214:20, II to read as follows:

II. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence of the defendant's alcohol concentration, as defined in RSA 259:3-b, as shown by a chemical analysis of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.05 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of from 0.05 to [0.10] 0.08 is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. **Any person who served or provided alcoholic beverages to a person 21 years of age or older shall be relieved of any civil liability arising out of any harm caused by the person who was served or provided those alcoholic beverages if that person's alcohol concentration is shown through evidence to be less than 0.12 at the time alleged. Evidence that there was, at the time alleged, an alcohol concentration of 0.12 or more shall not establish civil liability on the part of any person who served or provided alcoholic beverages, or any person who employed a person who served or provided alcoholic beverages to a person 21 years of age or older**

except as prescribed under existing state laws, if any, or as adjudicated through any court proceeding. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

2 Evidence; OHRVs. Amend RSA 215-A:11-c to read as follows:

215-A:11-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 215-A relative to the operation of off highway recreational vehicles by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.05 and less than [0.10] 0.08 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. **Any person who served or provided alcoholic beverages to a person 21 years of age or older shall be relieved of any civil liability arising out of any harm caused by the person who was served or provided those alcoholic beverages if that person's alcohol concentration is shown through evidence to be less than 0.12 at the time alleged. Evidence that there was, at the time alleged, an alcohol concentration of 0.12 or more shall not establish civil liability on the part of any person who served or provided alcoholic beverages, or any person who employed a person who served or provided alcoholic beverages to a person 21 years of age or older except as prescribed under existing state laws, if any, or as adjudicated through any court proceeding.**

Amend the bill by replacing section 7 with the following:

7 Evidence; Serious Traffic Offenses. Amend RSA 265:89 to read as follows:

265:89 Evidence. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82 or 265:82-a, the court may admit evidence of the defendant's alcohol concentration, as shown by a test of his breath, blood, or urine as provided in RSA 265:84. Evidence that there was, at the time alleged, an alcohol concentration of 0.05 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.05 and less than [0.10] 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant

was under the influence of intoxicating liquor; but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265:82, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82, I(b); and evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265:82-a, II (a), (b) and (c), constitute a separate offense under RSA 265:82-a, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.20 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82-a, III. **Any person who served or provided alcoholic beverages to a person 21 years of age or older shall be relieved of any civil liability arising out of any harm caused by the person who was served or provided those alcoholic beverages if that person's alcohol concentration is shown through evidence to be less than 0.12 at the time alleged. Evidence that there was, at the time alleged, an alcohol concentration of 0.12 or more shall not establish civil liability on the part of any person who served or provided alcoholic beverages, or any person who employed a person who served or provided alcoholic beverages to a person 21 years of age or older except as prescribed under existing state laws, if any, or as adjudicated through any court proceeding.**

Amend the bill by replacing section 10 with the following:

10 Evidence; Boating Implied Consent. Amend RSA 270:51 to read as follows:

270:51 Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 631:5 relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. **Any person who served or provided alcoholic beverages to a person 21 years of age or older shall be**

relieved of any civil liability arising out of any harm caused by the person who was served or provided those alcoholic beverages if that person's alcohol concentration is shown through evidence to be less than 0.12 at the time alleged. Evidence that there was, at the time alleged, an alcohol concentration of 0.12 or more shall not establish civil liability on the part of any person who served or provided alcoholic beverages, or any person who employed a person who served or provided alcoholic beverages to a person 21 years of age or older except as prescribed under existing state laws, if any, or as adjudicated through any court proceeding.

AMENDED ANALYSIS

This bill lowers the alcohol concentration legal intoxication level from .10 to .08 in laws relating to DWI for motor vehicles, boats and OHRVs and in the law relating to hunting while intoxicated.

The bill also relieves servers or providers of alcoholic beverages of civil liability for harm arising out of the conduct of any person whose blood alcohol concentration is shown through evidence to be less than 0.12.

A Roll Call was requested by Senator Heath.

Seconded by Senator Roberge.

The following Senators voted yes: Oleson, W. King, Heath, Fraser, Hough, Roberge, Pressly, Colantuono, Podles, Humphrey, Cohen.

The following voted no: Currier, Disnard, Blaisdell, Bass, Nelson, McLane, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth.

Yeas: 11

Nays: 12

Floor Amendment Fails.

SENATOR W. KING: As you will recall several days ago, some of us stood up on the floor of the Senate and explained our positions on the .08 bill. My position I think fairly clear was that I was very concerned that this was going to cost us between \$2,000,000 and \$3,000,000 of the operating budget in the next year of the biennium and \$2,000,000 to \$3,000,000 in the following year of the biennium. Because we would have to pay indigent defense cost for all of those people who were charged with a misdemeanor under this law and threatened with the possibility of incarceration. The floor amendment that you have before you lowers the charge of .08 to .099 to a violation. For that reason, nobody would be under the threat of incarceration and therefore, nobody would be eligible for indigent de-

fense. I am willing to support .08 as long as I know that we are not going to have to pass \$3,000,000 of new cost to property taxpayers or that we are not going to have cut \$3,000,000 out of the budget from important programs that we care about. Because somebody is obsessed with a zero tolerance level for alcohol consumption. So I would urge you to support this amendment whether you are for lowering the level to .08 or not for lowering the level to .08. The reality is that if this bill passes without this amendment, \$3,000,000 will have to be found someplace else and you just supported a gubernatorial veto over \$600,000 that we had already taken here. But the Governor was making the case that we couldn't afford \$600,000 for Meals on Wheels, but on the other hand, we could afford \$3,000,000 more for indigent defense with this. This amendment is the only way that we can reduce the cost, that we can eliminate the increased cost for indigent defense. So I urge you to adopt the amendment.

SENATOR COLANTUONO: Senator, how much is in the operating proposed budget for the total indigent defense cost for next year?

SENATOR W. KING: I guess I would have to yield to somebody else that would be able to answer that question. Senator Hough probably can get you that number. Do you want to hold off and ask another question while he is looking?

SENATOR COLANTUONO: No, I will wait.

SENATOR BASS: Senator King, let me make sure that I understand this correctly. If you were arrested and you blew, as they say, .08 to .099 it would be treated as a violation. If you subsequently had another arrest and you blew .12, that would be a first offense, DWI, misdemeanor? If you got caught again, and you blew .08 it would be a violation, but it wouldn't count as either a second or a third DWI? Is that correct? I am trying to understand, is that correct or not?

SENATOR W. KING: Under this amendment, anytime that you are stopped between .08 and .099 would be a violation. Now there is no question that under, as you know, the Department of Safety has a point system so that if you arrive at a certain number of points, you lose your license. A repeat offender is going to lose their license at some point, whether you call that a violation or a misdemeanor. Senator Colantuono, the bottom line for indigent defense cost both with the Governor and as well as the House and the Senate position is 10.2 million dollars and 10.9 million dollars each year of the biennium.

SENATOR COLANTUONO: Is that biennial or annual?

SENATOR W. KING: That is annual.

SENATOR COLANTUNO: Alright. Do you have figures from the Department of Safety or any other authoritative body that will show that there will be so many arrests between .08 and .10 that are subsequent offenses that this will in fact increase the cost by \$3,000,000 or is that an assumption that you made?

SENATOR W. KING: Senator Colantuono, as you know whenever these bills are sent out for a fiscal note, to some degree, the politics of the moment plays a role in devising that fiscal note. All we can do in terms of trying to determine . . . so therefore there was no fiscal note attached to this, it essentially said in the fiscal note that they could not determine what the cost of it was, but every member of this body has listened to those people who are involved in indigent defense in the state of New Hampshire, hammer it into us that there are increased cost in indigent defense with measures such as this. What we tried to calculate was based on the fact that you were adding 2 percent more onto the area in which you were going to be enforcing. Based on the number of arrests that take place, how many indigent defense people, it's a stab in the dark. There is no question about it. But I think that \$2,000,000 is a reasonable estimate to make and it could run as high as \$3,000,000.

SENATOR COLANTUONO: Do you have any figures as to how much of that \$10,000,000 is going to be spent on DWI defense?

SENATOR W. KING: No, I don't.

SENATOR ROBERGE: Senator King, I just want to clarify something that I thought I heard you say. Anytime, no matter how many times you get picked up, like 100 times, and you have a BAC between .08 and .99, it will always be a violation, never more than that?

SENATOR W. KING: Senator Roberge, as you know, and as I stated before, the Department of Safety has a point system, whereby a license is revoked. If you were for some reason, you were found to be in violation of this a certain number of times, you would have your license revoked and you wouldn't be able to drive for a year anyway.

SENATOR ROBERGE: Even at the .08?

SENATOR W. KING: Even at the .08, absolutely.

SENATOR HEATH: I rise in opposition to the King amendment. If we want to limit the cost of indigent defense, all we have to do is look at the Division that works on that and see the incompetence that is exhibited there. There is very little attempt to discover or recover costs of defense. People drive in nice cars and tell the judges that they have no money and it is essentially paid for by the citizens of the state of New Hampshire over and over. It is a job that needs a

review and a change in method and there you can recover a lot of money for indigent defense. Let's not tear down the punishment for the worst offenders, the multiple DWI offenders. Let's not tear it down to save a few dollars in indigent defense. It seemed to me that this would be travesty to suggest a diminishing of the punishment for second offenders, the worst ones. The people who are out there and involved in the cases of Lacy Packard who was killed by a person who had several priors. I mean it just seems to me that this is the wrong direction to go. This is worse than the bill without the amendment and the bill without the amendment as far as I am concerned is the wrong focus.

SENATOR BASS: Senator Heath, I've heard you and other speakers keep referring to the Packard case and I can't remember the one that Senator Hough referred to a couple weeks ago, and made the point that somehow the lowering of the BAC level from .10 to .08 would prevent that kind of accident. Now is it your understanding that any of these accidents which were certainly tragic, occurred as a result of the driver having been tested between .08 and .10 or was it substantially more than that?

SENATOR HEATH: It was in fact substantially more. But I can tell you that somebody that is serving time in jail is not killing somebody those days that he is in jail. That's essentially what this would remove, the jail time.

Recess.

Out of recess.

Senator W. King offered a floor amendment.

Floor Amendment to HB 298-FN

Amend the bill by replacing sections 1 and 2 with the following:

1 Intoxication. Amend RSA 214:20, II to read as follows:

II. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence of the defendant's alcohol concentration, as defined in RSA 259:3-b, as shown by a chemical analysis of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.05 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of from 0.05 to [0.10] 0.08 is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of

the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] **0.08** or more is prima facie evidence that the defendant was under the influence of intoxicating liquor, **except that evidence that there was, at the time alleged, an alcohol concentration of from 0.08 to 0.099 on any first or subsequent offense shall be a violation.** The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

2 Evidence; OHRVs. Amend RSA 215-A:11-c to read as follows:

215-A:11-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 215-A relative to the operation of off highway recreational vehicles by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] **0.08** or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.05 and less than [0.10] **0.08** is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor, **except that evidence that there was, at the time alleged, an alcohol concentration of from 0.08 to 0.099 on any first or subsequent offense shall be a violation.**

Amend the bill by replacing section 7 with the following:

7 Evidence; Serious Traffic Offenses. Amend RSA 265:89 to read as follows:

265:89 Evidence. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82 or 265:82-a, the court may admit evidence of the defendant's alcohol concentration, as shown by a test of his breath, blood, or urine as provided in RSA 265:84. Evidence that there was, at the time alleged, an alcohol concentration of 0.05 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.05 and less than [0.10] **0.08** is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor; but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] **0.08** or more is prima facie evidence that the defendant was under the influence of intoxicating

liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265:82, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82, I(b); and evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265:82-a, II (a), (b) and (c), constitute a separate offense under RSA 265:82-a, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.20 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82-a, III, **except that evidence that there was, at the time alleged, an alcohol concentration of from 0.08 to 0.099 on any first or subsequent offense shall be a violation.**

Amend the bill by replacing section 10 with the following:

10 Evidence; Boating Implied Consent. Amend RSA 270:51 to read as follows:

270:51 Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 631:5 relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] 0.08 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor, **except that evidence that there was, at the time alleged, an alcohol concentration of from 0.08 to 0.099 on any first or subsequent offense shall be a violation.**

AMENDED ANALYSIS

This bill lowers the alcohol concentration legal intoxication level from .10 to .08 in laws relating to DWI for motor vehicles, boats and OHRVs and in the law relating to hunting while intoxicated.

The bill also provides that any alcohol concentration legal intoxication level between .08 and .099 shall constitute a violation, whether for a first or subsequent offense.

Floor Amendment Fails.

SENATOR HOLLINGWORTH: Members, I am standing to ask you to vote down this bill and I do it again with some reluctance. I was accused by one of the members of this body. They said that I had a

special interest or that the rumor was that I had a special interest in this because I serve liquor and I had owned a bar. I would like to tell you that that is true. I used to have a bar, I now have a catering business and I do not cater and have a license for alcohol. And when anyone requests to have a bar or a licensing for that, I refuse to handle the alcohol and make them hire their own bartenders and do their own arrangements for the bar. My reason for that comes from my long years of experience with the difficulties and the reality of the possibility of lawsuit under the law. So I do not apologize for my standing here to talk against this piece of legislation because I do not feel that I have a special interest except that I do think that I have an interest. Because I have been involved for years sitting on House Judiciary in the DWI situation. Many of you have sat for 10 years or more in this body and you have seen the legislation that has been in the process year, after year, after year, we have had DWI legislation in front of us. And we have, I think now, and I have said this before on this floor, the best legislation probably in the nation on DWI. I do not think going to .08 is going to enhance our legislation at all. In 1989 we had 190 deaths in motor vehicle fatalities, 75 of those 190 were DWI related. Forty-eight resulted in a single car accident. That means that the 48 people that were killed were involved, they were involved in DWI, they ended up killing themselves. There were 26 deaths of innocent people, 26 too many. There were 116 of the 190 who were killed for other reasons, speeding the major one, and inattention. Now if we were going to say that we want to stop deaths in New Hampshire, I guess what we would do is to lower the speed limit more and we would put more troopers out on the highway. Well, you know that this body with our actions over the years have decreased the numbers of troopers out on the highway and in fact, when I stood before Finance when we got to the safety part of the budget, I was appalled to find and to speak to the fact that we had let off 17 uniformed policemen who were out there arresting those DWI's and people who were driving under the influence. That is where we need to also place those men back on if you really want to do something about the deaths on our highway not only for the DWI's, but the people who are speeding. That is how we can end this terrible problem. Most or many, who will vote for this bill, will vote against the Capital Budget. And they will vote against the Revenue package. And they will vote against putting more men out there for that purpose. While in the House, we did a test one day on the DWI. It was a controlled test. We had the troopers come over from Safety, and we had two members of our committee, who drank, and then they calibrated the machinery, and tested those two individuals. The test failed. The trooper said "oh my god, it was a mistake, we knew it was a mistake." The girl who had one drink and had tested without

any degree of alcohol before, tested well over the limit. The young man, he tested where he was supposed to be. And I know that test failed because I went over to Health and Human Services and I saw the number of machines that are over there that are being calibrated. The reason that they are being calibrated is that every so often they break down and they need to be tested. So there is a problem with the mechanism that we have and we do know that at .08 when someone is not necessarily impaired, because there are other ways of getting someone who is drunk. That was our intention. Impairedness was going to be the condition, not the level of their alcohol and that is what we should be looking at, their impairedness, not the level of their alcohol. Twenty-nine other states were asked to lower the .08, 29 other states. Now this is across the country, this is a major portion, this isn't anything new, I mean it is something new. Twenty-nine states were asked to lower to an .08, out of those states we have California, Maine, Oregon, Utah, which naturally Utah would be one, Vermont. They are the only states that have passed the .08. One other state, Georgia, went to a .12. Now I have no reason why! Twenty-one other states killed this bill outright. Believe me, they had as much pressure and as much lobbying as we have had here. But they decided that this was not the way to go. That this was not going to address the problem. I don't want to go on because I think it is clear what, that many of you have addressed. I had the pressure, but I had one gentlemen who called me, and he said to me "I want you to lower the .08" and he wasn't from my district, and I said well why, can you give me a reason why? He said "well, it is a shame, I am an alcoholic" and he said that he got arrested and "that straightened me out and now I don't drink". I said what level were you? He said a 2 or whatever and he said he was comatose when he had the accident. I said the .08 wouldn't help you, that is the situation. Most of the people who cause the accidents and injuries are well, well over the .01 or the .10. This isn't what we are looking for, it really isn't. If I thought that for one minute we were going to save more lives and that it was the right action to do, I would be standing with the others of you who believe that and I understand that you truly do believe that, but I unfortunately, can't stand with you. And I respect you for your position, but I strongly urge you to vote down this legislation.

SENATOR HUMPHREY: Mr. President, over the last month in debating this issue, one element that seems to be under discussion is the very significant impairment that occurs at blood alcohol levels of .05 and greater. I think that most of the members have seen the final report of the Governor's task force to prevent impaired driving issued last summer. That report finds that there is an abundance of

scientific data to indicate that impairment of driving skills starts, at .05 blood alcohol concentration. The American Medical Association House of Delegates, after considering a detailed document prepared by the council on scientific affairs went so far as to call for states to establish BAC of .05 as conclusive evidence of drunk driving. The Council of Scientific Affairs report concluded that alcohol causes deterioration of driving skills beginning at .05 percent. The report also cites a study by the National Highway Traffic Safety Administration released in 1988, that showed similar results. The report concluded that in part that it is clear that BAC's of .05 or more impaired nearly all of the important components of driving performance. There is sufficient evidence to demonstrate that BAC's of .05 and more produce impairment of the major components of driver performance reaction time, tracking, divided attention performance, information processing and etc. And that I suppose is the reason, Mr. President, that so many highly creditable organizations support .08. The Presidential Commission on Drunk Driving, The American Medical Association, The National Highway Traffic Safety Administration, The National Safety Council, The United States Surgeon General, The National Committee on Uniform Traffic Laws and Ordinances, American Spinal Association, Mothers Against Drunk Driving, and so on. Mr. President, the irony is that we already have on our books in the state of New Hampshire, a .04 BAC level for those who hold commercial licenses. I haven't heard anybody who opposes this bill stand up and suggest that we ought to raise the BAC from .04 to .01 for commercial drivers. One would suppose they would have to make that argument to be logical. Why is someone who holds a commercial license subject to one standard and those who don't drive for pay held to another? We ought to be consistent, it seems to this Senator. I supported some of the foregoing amendments reluctantly, Mr. President, in hope that we could gather the votes to pass the bill ultimately. As it now stands, it looks like it is going to be a very close vote. I would only say, Mr. President, that maybe Senators ought to give a little thought to how they would feel when they see their spouse and children or loved ones drive off. When I see my wife pull away with the children, I think about this, I think about people out there on the highway who are impaired. The tragedy in this matter is that so many, so many, innocent people have been killed, so many children. And not for us to, at the very least, fail to err on the conservative side of this matter is, I think, is to act with the greatest irresponsibility. I thank the Chair.

SENATOR NELSON: I too have given this a lot of thought! I too have children! I have a 20 and 21 year old and a 12 year old. I have personally been affected by it in close circles by people who have

been actually killed and maimed and injured by drunken drivers. So I don't think that anybody in this room holds the corner of the market, whether they are for or against the bill on caring about people being injured by drunken drivers. I hope and I wish that those who are doing the killing on the highways are driving at .10, but they are not. A lot of the people who are doing the maiming and the killing in this country are well above the .10. Do I think it makes sense to lower it? I do! But I think the one thing that troubles me is that for a couple of years in the state of New Hampshire, we had what we called a designated drivers program where we said to the young people in this state and to the adults, if you're going to get into the car and you are going to drive it, then don't drink. Then what happened is that the young people, my sons included and their friends, decided who would not drink and drive. In my opinion, I commend the Task Force. I commend Senator Pressly who has done a lot of service on the bill and a lot of the other Senators in this room. But the fact of the matter is this: why aren't we saying if you're going to drink, then don't drive. And if we say, let's do .08, in my humble opinion, what we are saying now to the young people especially, and to some of the adults is hey, from now on just drink a little less. We are not saying don't drink and drive, we are saying drink a little less. I think that if we are going to get tough on crime, we are going to spend all the money that we spend in this state on liquor, we are going to have task forces and we are going to listen to the statistical data that we ought to have the guts to stand up on this floor and say if you're going to drink, then you don't drive and if you drink at .10-1/2, or .06, .03, .08, then you shouldn't be behind the wheel of a car. I want to say this because I see these newspapers print all this stuff making gross assumptions about people. I don't understand why they are not pushing 'don't drink and drive'. I didn't mean to proselytize, and get like this and I am sorry.

SENATOR HEATH: I want to briefly explain that before I read my name in the newspaper about how I support drunk driving, I've worked as hard as any member of this body against drunk driving. I am a member of MADD and I have worked on repeat offender problems and people who default and don't bother to show up for court. Increasing the penalties and for defaults for drunk driving and I worked on this amendment to try to answer some of the questions that I felt were legitimately raised by both the hospitality and later on by Senator Hollingworth who legitimately suggested to me that we are all, or almost all of us servers at one time or another. And the focus on any drunk driving program ought to be on the drunk who drives. And there is no reason why we should all risk a business or our home, our fortunes, because we don't know that the person has

had six beers before he gets to our home. We don't know that he has had a big meal and no liquor before he comes to our lounge. We don't know and we can't judge when a person is sitting there, how drunk they are. They have to judge that. And the responsibility cannot go on other people so that a few opportunist lawyers can deprive somebody who couldn't make that judgment of their property for a portion of the profit. And that is why I am not going to support .08 even though I agree that .08 is TAPE INAUDIBLE. I think the time has come TAPE INAUDIBLE and do it in a peer form where it's aimed at the person that drinks and drives.

SENATOR SHAHEEN: I also rise to oppose this legislation. The scare headlines in the newspaper notwithstanding. I believe that each and everyone of us in this Senate chamber is opposed to drunk driving and would like to see, if we thought it worked, the strictest methods imposed to prevent drunk driving. The fact is, is that we have seen no evidence that lowering the blood alcohol level to .08 is going to have the impact that the supporters of this bill believe. Maine, which so often been cited in this debate, during the decade from 1980 to 1990 had 49 percent alcohol related fatalities compared to New Hampshire which doesn't have .08, a 45 percent during that same period of time. We all know what works in terms of drinking and driving and that is education and an increased national awareness of the problems of alcohol and drinking and driving. Those of us who oppose this legislation do so not because we are any less opposed to drinking and driving, but because we are not convinced that this is going to be a good piece of legislation and that it is going to have the desired impact.

SENATOR COLANTUONO: Senator Heath, you want pure legislation that focuses only on the drunk driver, this bill as I read it simply changes the standard in the criminal prosecution for the drunk driver so where do you see in this bill that it is not being pure?

SENATOR HEATH: Because it enhances the opportunity to bring a third-party suit against the server and the seller by lowering that line by which society is saying if this bill were to pass that this is the level at which we accept and this is irresponsible.

SENATOR COLANTUONO: Do you see anything in this bill that changes the standard of proof under 507-F which is the liquor liability law?

SENATOR HEATH: Yes.

SENATOR COLANTUONO: And where is that?

SENATOR HEATH: By lowering the level. I believe that that is partial evidence that will be used by people that are in the business of suing people to prove the irresponsible situation.

SENATOR PRESSLY: Just a couple of closing comments on my behalf of this. In the eight years that I have served, I can't think of another piece of legislation where I've known so many reasons, that so many people support something and they are going to vote against it. It has been an incredible experience. I think the committee has done everything conceivably possible to work this bill, to amend it, to accommodate to people who say I am really for this, but this one small little thing bothers me. This committee has done everything conceivable. And evidence will be there in the next few years and as I say, we can be leaders or we can be followers. But I challenge all of these people in this chamber who say: 'oh, this is what I am for, but gee, I can't support it because it's got . . .' then you come in with a better mouse-trap next session, I challenge you. Thank you.

SENATOR HEATH: Senator Pressly, I came in with a better mouse-trap and almost got it to snap, would you believe?

SENATOR PRESSLY: Thank you, Senator Heath. I commend your work on it. And I think you're one of the people who have supported your philosophy. I wish the case applied across the Senate, thank you.

Senator Disnard moved the question.

Adopted.

Question is on Ordering to Third Reading.

A Roll Call was requested by Senator Roberge.

Seconded by Senator Heath.

The following Senators voted yes: Hough, Currier, Roberge, Pressly, Colantuono, McLane, Humphrey.

The following voted no: W. King, Heath, Fraser, Disnard, Blaisdell, Bass, Nelson, J. King, Russman, St. Jean, Shaheen, Hollingworth.

Paired votes: Senator Delahunty and Senator Podles.

Paired votes: Senator Cohen and Senator Oleson.

Yeas: 7

Nays: 12

Ordered to Third Reading Motion Fails.

Senator Russman moved Inexpedient to Legislate.

Adopted.

HB 298, is Inexpedient To Legislate.

TAKEN OFF THE TABLE

Senator Russman moved to Have HB 334-FN, an act relative to the establishment of agency liquor stores, Taken Off The Table.

Adopted.

HB 334-FN, an act relative to the establishment of agency liquor stores. Ways & Means committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: With reference to the floor amendment this takes care of Senator Colantuono's concerns relative to the three-years on applicants for an agency store. That has changed throughout the bill so they have to be a resident of the state at least. While it doesn't perhaps offer as much protection to the New Hampshire people as some people might like it is something that I think we can probably live with and I would urge your adoption.

Senator Russman offered a floor amendment.

Floor Amendment to HB 334-FN

Amend RSA 177:16, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) A resident of the state.

Amend RSA 177:16, II(c) and III as inserted by section 3 of the bill by replacing it with the following:

(c) A resident of the state.

III. If the applicant is a corporation, it shall be incorporated under the laws of the state and shall have been authorized to transact business in the state.

Floor Amendment Adopted.

Ordered To Third Reading.

ANNOUNCEMENTS

RESOLUTION

Senator Currier moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, May 29, 1991, at 10:00 a.m.

Adopted.

LATE SESSION**RECONSIDERATION**

Senator Shaheen moved RECONSIDERATION on HB 62, an act relative to retirement allowances under the New Hampshire Retirement System.

SENATOR SHAHEEN: What I have is a floor amendment which is being passed out now. Essentially, what I am asking the body to do is to accept the vote from last time on HB 62 as we amended it. This floor amendment makes two changes in that amendment. The first, deals with earnable compensation. And what it does as we all know, the Senate earlier passed HB 51 which is a study of the retirement system. That would take earnable compensation out of HB 62 and include it as part of the study that is being done through HB 51. I recognized that there are some legitimate concerns about what has been going on with earnable compensation. But I feel that since we have got this vehicle to study, it makes more sense to go ahead, complete the study, deal with all the aspects of this issue and then get a reasonable report out of that study. The second issue, deals with gainful employment. As I understand there are a group of people who are part of the old retirement system. What HB 62 was going to do is retroactively change the rules on those people relative to retirement. And what I am asking you to do is to take that section out of HB 62 so that those people that are already covered under the old retirement system will stay exactly as they have been. So at this time, I would urge you to pass the floor amendment to HB 62.

SENATOR BASS: Mr. President, I rise in opposition to the motion to reconsider. In essence, the amendment that Senator Shaheen has brought before us is identical in every word to the Hollingworth amendment that we already considered last week. Except that it includes the amendment that the House passed that was offered by me. When you get down to it, Senator Shaheen is correct. Her amendment eliminates sections one and sections three in the bill. The first section that she proposes to limit, limits the amount of compensation that can be counted as counting toward retirement to 1-1/2 times the amount of money that you make in the year before the year that you retire. The way that your retirement is currently calculated is that you take the last three years or the highest three years that you are paid. And you average them out and you multiply the years of service if you are in group II for example by .25 and add that to the salary and you get what your retirement benefit is. There is one slight problem. And that is that there are no limits on how you go about calculating how much money that you make during the last

three years that you retire for purposes of determining what that retirement allowance will be. The result is that in some sectors you have individuals who during the last three years of their work, artificially increase their pay because they are able to include sick days, up to 30 days of leave and so forth. The result is that certain groups, those individuals who are in a position to work a lot of overtime which is not the state employees, end up getting more money when they retire than what they got when they were working. It affects a very small group of individuals and all the rest of us pay for it. Now one of those groups are the state troopers who are in group II. And a couple of years ago I brought to the attention of Commissioner Flynn, the fact that I was wondering why these state troopers were suddenly appearing on the highways and he said 'well, the road contractors require it because the unions require it and furthermore, it doesn't cost the state any money'. Well, the fact is that it does cost the state money. It costs the state money because these people are counting this overtime pay towards their retirement. And it's jacking up their salary and other people don't get the benefit of that. The second section of the bill, that is deleted by the amendment, has to do with earnable compensation and indeed again, Senator Shaheen is correct, there are 34 firefighters and 10 policemen who still fall under the old retirement system. And under that retirement system if you have a duty or in the case of firefighters a non-duty related disability, you can retire with full disability which in the case of group I is 50 percent of the highest three years. And in the case of group II is 66-2/3 percent. But there is no limit on what you can do after you retire. So as a result you don't have to take a physical exam. Nobody checks on what you are making. And the fact is, obviously, the AFL-CIO wouldn't be wanting to reconsider this bill if it weren't for the fact that a number of these individuals must be fully employed, perfectly okay. And they don't want to undergo the same standards that everybody else in the retirement system is subjected to except these 44 individuals. Now we have 3 bills before us dealing with retirement that this Senate has dealt with in the last couple of weeks. The first one, was HB 549 which is on the table right now, which provides a temporary retirement allowance for employees of the state that are furloughed at the age of 55 and the 25 years of creditable experience. The second one, is HB 161 which essentially allows federal employees to buy in and removes certain individuals that are covered so that we don't come under ERISA and the retirement system doesn't get charged \$800,000 in the next year. The third one, is HB 62 which is before us today. HB 549 is a benefit to state employees, HB 161 will save the retirement system money. And HB 62 is a recommendation that came to us from the Retirement Board and also a study committee that was part of the Retire-

ment Board. All of these bills could go to study under HB 51. You can't have it both ways. You can't study the stuff in HB 62, but an act, HB 549 which helps the state employees and if it is the position of this Senate that HB 51 should be the overriding vehicle, and that we should study this issue. Then I would suggest that we send all three of these bills to study because we ought to remain consistent. But the fact is, personally, I think that that would be a very poor idea. And I urge the Senate to oppose this motion to reconsider. We have already voted this measure out last week. Nothing has changed from last Thursday to this Tuesday.

SENATOR SHAHEEN: Senator Bass, since we are only limiting our discussion today to HB 62, I am not going to respond to your suggestion that maybe all three of those bills go to study. But I have a question for you and I have heard the same stories about the police that are sitting with their lights on who have been there all night, and what are they doing along the roads. But would you agree that this is just anecdotal information?

SENATOR BASS: Oh, absolutely not, Senator Shaheen. The Retirement Board has all the data. Every single piece of information that is available is certainly available through the Retirement Board. It is all on computer. And it certainly is not anecdotal. There are certainly anecdotes, but there are anecdotes in any issue.

SENATOR SHAHEEN: And there is a study that would show all of those people who have been using the current system? Is that what you are telling me?

SENATOR BASS: I am not telling you that, no.

SENATOR SHAHEEN: So that there really isn't a study that shows that there are a number of people who have been affected. And that there has been a deliberate study to look at the problem in this area?

SENATOR BASS: There has not been a deliberate study to look at the problem in this area, no.

SENATOR SHAHEEN: Thank you. The other question that I had for you is, you had talked about those 44 firefighters.

SENATOR BASS: Thirty-four firefighters, ten policemen.

SENATOR SHAHEEN: Forty-four totaled. Am I correct that when those people retired that the system that they retired under, allowed them to take the retirement, and that what we are doing in effect if we pass HB 62 is changes the rules after the fact on them?

SENATOR BASS: We change the rules after the fact everyday here at the Senate, Senator Shaheen. What we are doing is we are cor-

recting an injustice in the system right now. Whereby a few individuals are taking advantage of the system and all the rest of the individuals, all the thousands of other people who are paying into the system are paying for that.

SENATOR SHAHEEN: Is it true that those people who retired, retired under the old system and that the rules have changed since they retired?

SENATOR BASS: Certainly!

SENATOR HOUGH: Charlie, listen. What was the number, 44 police and firemen that were in the old system that went out under the old system prior to 1968 the New Hampshire Public Employee Retirement System, is that . . .

SENATOR BASS: No, there are a lot more. But there are only 34 now.

SENATOR HOUGH: My question is this: If these people would have gone out on partial disability under the old system, correct?

SENATOR BASS: Yes.

SENATOR HOUGH: Well, Christ, how old are they now?

SENATOR BASS: Well, I don't know. I didn't ask the Retirement committee.

SENATOR HOUGH: Well, I mean think about it 1968, 78, 88, 93, well no, but they would have conceivably, they were . . .

SENATOR BASS: Senator Hough, can I respond to that? The system changed for firemen in 1981. And it changed for at least according to the Retirement Board the firemen system changed. The standard change, the amendment changed, to require the physical exam under the current Retirement System. If you are out under disability, you are paid as I have said before, but your total compensation cannot, what your total salary was adjusted for inflation. So even under the current situation, even if HB 62 passes as it is, and you're disabled, you can still earn on the outside everything up to what you earned before adjusted for inflation. But there is a small group that are still in the system and they were there prior to 1981 who qualified for full disability and now the sky is the limit. And the Retirement Board is determined that this is not equitable.

SENATOR HOUGH: Can you tell me of these numbers of police, firemen were in the old police, firemen retirement system prior to 1968 when we brought them all in under the present Public Employee Retirement System? Can you tell me that?

SENATOR BASS: Tell you what?

SENATOR HOUGH: If the numbers of individuals that you are talking about, 33 and ten, whatever those numbers were. Were they members of the system that was created in 1968?

SENATOR BASS: In other words, did they contribute?

SENATOR HOUGH: Yes.

SENATOR BASS: I don't know the answer to that question. I don't think that it is relevant.

SENATOR HOUGH: Oh, I think that it is relevant, if they are members who went out on partial and full disability under the old system. Are they members of the old system or the new system.

SENATOR BASS: The old system.

SENATOR HOUGH: As members of the old system they would have had to go out prior to 1968. That is my understanding. I stand corrected. But I think that is the case. And if that were the case, these people, it doesn't matter what they've done since 1968, they are probably at such an age that you're changing your benefit whether they are fully gainfully employed or not. They've got to be well along in age.

SENATOR BASS: Senator Hough, you couldn't have given a better argument against reconsideration of HB 62. Because the fact is that if these individuals have been in the system a long time, the only thing that HB 62 seeks to do is to limit compensation to what their salary was when they were there, adjusted for modern day inflation. Now if these individuals, (a) are elderly, they're probably not making more than they were when they, in their adjusted inflation, so therefore, it wouldn't be a factor, or (b) the only thing that the bill is asking for is that they be subject to an exam and the requirements of the rest of the Retirement System. Nobody, you know my observation is that the AFL-CIO protested too much. Doesn't it occur to you that there may be a larger issue involved here in that it may not affect that many individuals, but it's just more a case of principle rather than reality.

SENATOR SHAHEEN: I think that you raised an interesting point, Senator Bass. And that is my understanding is that in an attempt to update the language in this bill, it was overlooked that there were a small group of people that were covered under this old Retirement System who were in fact going to get hurt by this language. And that what I think we don't want to do is to hurt those people after the fact, they retired under those old rules. It is an ever

decreasing group because they are only getting older. And you know unfortunately, most of them are not going to be around very much longer. And the fact is, that I think that we set the rules. We said this is the way that it is going to be when they retired and we have an obligation to that small group of people. I am not sure that I agree with you relative to the AFL-CIO and protest too much. I am going to take this based on what I have heard from people. Which says that there is a small group that are going to be hurt, we ought to exempt them and that is what this amendment does and then ever after that, we will deal with the new system. Would you believe?

SENATOR BASS: I have no response to that. I think that that issue has already been debated.

SENATOR HOLLINGWORTH: Thank you and I will only speak very briefly, because everyone is extremely tired. I would like to say that I sat on Insurance and I heard none of the concerns that Senator Bass is raising. When this came before us and his reasons for passing this. We clearly have said that when someone over the past years works many years for the state, that they can take that 1-1/2 year to use it to adjust for the high inflation. That has been the practice. If there should be a change, there should be a study into determining whether there should be any change in that factor. That is all that we are asking that that section of the bill be before you change it, allow it to go to study. What Charlie is doing is deciding by himself, that this is inappropriate, that there has been too much money spent on this. He has not substantiated his figures and I don't believe that we should take that action. Furthermore, we have made a promise to our retirees, and I believe that when you make a promise you keep a promise. And Charlie seems to have a problem with that, as we all know. Charlie, when you make a promise, you keep a promise and I'm asking this Senate to do that.

SENATOR COLANTUONO: Senator Bass, last week when we passed HB 62 the argument at that time seemed to focus on the language in the bill that would limit to 1-1/2 times the salary of people who retire and it would affect mostly police officers who worked traffic details and all of a sudden today, we are not focusing on that language at all. But my question to you is: if this was reconsidered and the Shaheen amendment were adopted, it's hard to understand it by just trying to read it. But if we just take out that and it would be reasonable and acceptable language that we just passed last week.

SENATOR BASS: The answer is yes.

A Division Vote was requested.

Yeas: 12

Nays: 9

Senator Delahunty is excused.

Reconsideration Motion is Adopted.

SENATOR SHAHEEN: I move ought to pass on the amendment to HB 62.

Senator Shaheen offered a floor amendment.

Floor Amendment to HB 62-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to retirement system benefits and
relative to membership eligibility in
the retirement system for elected
and appointed officials.

Amend the bill by replacing all after the enacting clause with the following:

1 Membership Eligibility for Elected and Appointed Officials.
Amend RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman or permanent fireman after the date of establishment shall become a member of the retirement system as a condition of employment; except that membership shall be optional in the case of elected officials, officials appointed for fixed terms, **unclassified state employees**, or those employees of the general court who are eligible for membership in the retirement system. **Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:**

(1) The office held is a full-time position with eligibility for the same fringe benefits as other full-time employees of the employer;

(2) The office held is the primary occupation of the person holding the office;

(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,700 hours of employment; and

(4) The official satisfies the conditions under subparagraphs (1)-(3) by using only one elected or appointed office to qualify.

2 Reduced Service Retirement Allowance for Group I Members.
Amend RSA 100-A:5, I(c) to read as follows:

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has **either completed at least 20 years of creditable service which, when combined with his age equals at least 70 years, or who has** attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age, by **1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years** [or more] **but less than 35 years** of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

3 Repeal. RSA 100-A:28-a, relative to special fringe benefits for certain employees who have withdrawn from the retirement system, is repealed.

4 Application; Special Fringe Benefits; Buy-In of Retirement System Credit. Any person who, on the effective date of this act, is enrolled under the provisions of RSA 100-A:28-a, II, repealed by section 3 of this act, shall have until December 31, 1991, to elect either to terminate enrollment or to resume full membership in the retirement system. Such election shall take effect on the first day of the month following receipt of the election by the retirement system. If no election is received, enrollment under RSA 100-A:28-a, II shall terminate as of January 1, 1992.

5 Application; Elected and Appointed Officials. Any elected official or official appointed for a fixed term who is a currently a member of the New Hampshire retirement system, and whose office does not meet the requirements for membership as provided in RSA 100-A:3, I(a), as amended by section 1 of this act, shall continue to be a member of and be eligible for membership in the retirement system until the end of the official's current term of office. The official shall not be eligible for continued membership in the retirement system upon reelection or reappointment to the same office, and membership shall terminate at the end of the current term.

6 Effective Date. This act shall take effect June 30, 1991.

AMENDED ANALYSIS

This bill:

(1) Repeals the special fringe benefit for certain unclassified officers or employees who withdraw from the retirement system and who make equivalent contributions to an IRA.

(2) Defines the conditions which elected and appointed officials must meet in order to be eligible for membership in the retirement system.

(3) Changes the requirements for receiving a reduced service retirement allowance as a group I member, and changes the allowance which is received.

Floor Amendment is Adopted.

Ordered To Third Reading.

THIRD READING AND FINAL PASSAGE

HB 35-A, an act making appropriations for capital improvements.

HB 62, relative to retirement system benefits and relative to membership eligibility in the retirement system for elected and appointed officials.

HB 136-FN, an act relative to current use assessments and the land use change tax.

HB 143-FN, an act relative to the liquor commission's authority to close liquor stores.

HB 299-FN, an act relative to the posting of statements in liquor stores and establishments selling beverages and liquor.

HB 322, relative to certain state taxes and municipal economic development and revitalization districts.

HB 327-FN, an act relative to the disposal of state-owned real estate.

HB 334-FN, an act relative to the establishment of agency liquor stores.

HB 502-FN-A, an act relative to child care resource and referral systems and making an appropriation therefor.

HB 680-FN an act relative to manufactured housing on the land of another.

HB 768-FN, an act relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits.

HB 784-FN, creating a long-range construction program for New Hampshire's highways and highway bridges and establishing a committee to study the toll highway system.

Senator Currier moved to adjourn until Wednesday, May 29, 1991 at 10:00 a.m.

Adopted.

Adjournment.

May 29, 1991

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray. Lord, how nice it would be to be relaxing at the beach and enjoying ourselves during this hot weather instead of wrestling with the bills before us! No matter how you look at the budget, if you do not have it (the money) it is a tough problem. You cannot get blood out of a stone. Have a good Memorial Day and weekend. God bless you all and get some rest. Amen.

Senator Shaheen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT DUPONT: It is a pleasure for me at this point in time to turn the podium over to Senator Tom Harkin for a few words of wisdom on what is going to be a very difficult day for us here as we try to balance our budget. Welcome to the Senate.

TOM HARKIN: Thank you, Mr. President. Senate President Dupont, and our Democratic Leader, George Disnard, and I would also recognize my former colleague from the United States Senate, Gordon Humphrey. This is a rare privilege for me. Your Senate President wanted some words of wisdom. That is quite a task for a United States Senator to bring here. But I love the informality of the Senate here. Earlier your Senate President said to me: "just get up and say a few words and tell us how you've brought the check from Washington to help us with our budget problems". Now wait a minute . . . That reminds me of the story of the young kid who wrote a letter to God and it said "Dear God, ever since my father died, my mother has a had a hard time raising us six kids. Could you please send \$100 to help mom out? Well the letter found its way into Washington and got

into the Postmaster General's Office. The Postmaster General read it and was so touched by it, he went around the office and took up a collection. They raised about \$50 and he sent it to the kids' mother. A couple of weeks later, another letter came in from the same kid. Dear God, I just want to thank you very much for helping my mom and my family out. It was very helpful. But we are still having a pretty tough time and I'm wondering if you could send a little bit more. And dear God, please this time, don't send it through Washington. The last time they deducted 50 percent". So you really don't want that kind of stuff. But I am just honored and privileged to be here and I come from a small town in Iowa of 151 people. Not so unlike many of your towns here in New Hampshire. You know there is a book out that is called "All I Ever Needed To Know, I Learned In Kindergarten". Well the more that I am in the public light and I have been in Washington now 17 years, and the older I get, I've come to realize that all I ever needed to know, I learned growing up in Cumming, Iowa, population 151. My folks were poor, but they instilled in us certain fundamental values of hard work, individual responsibility, studying, because they saw education as a way out of poverty. To take care of your family, and having faith in God, strong communities, patriotism and a care and concern for those less fortunate than ourselves. I think those fundamental values are what all of our parents instilled in us. I think those fundamental basic values are what have to guide all of us in public light. Those are the values that guide me. Those are the values that my parents gave to me. They may be old values, but I think they have the wisdom of the ages in those values. And no matter where we go and what we do in public life, I think that those are the things that serve us best. So I don't want to go on too long. I will heed the words of the Chaplain. What did you say, something about we better be out early and go home and rest and relax, it's better to be sweltering in here? But I feel very strongly as I know all of you do about this Country and where we are going and the direction that we are going in. And I am not going to give any long remarks. I am honored to be asked to just stand up here and meet all of you. Let me just say that I've always believed that when you build a building, you start with the foundation first. And the stronger and the more the foundation, the better and the stronger the building will be. Franklin Roosevelt was one of my favorite Presidents. Do you want to know why? Because Franklin Roosevelt never had a welfare program. He had a job school, he put people to work, it gave people dignity, pride in themselves. Franklin Roosevelt once said "Otto", he said "we always knew that greed was bad morals, we now know it's bad economics". And I think that is true today, too. I think the American people want a different vision for this country. A vision in which we are more than just a

group of individuals out there running to get more wealth, or more power, or more prestige. I think the American people want once again to be thought of as a family in which the interest of one are bound up with the destiny of all. And that is what we have got to look at ourselves as. One American family, not just a group of 200 and some odd million individuals running around this country. But where the interest of one are bound up for the destiny of all. Those are things that guide me in my public life. And I know I share those with so many of you here, whether you are Republicans or Democrats. I am proud to be a Democrat. I am proud that in our country we have two strong political parties that compete head on. I love the clash of ideas. I used to love debating Gordon Humphrey on the Senate floor, but we did it with honor and we did it with respect for each other. Because out of that clash of ideas, comes good sound public policy. So that is why I am honored to be here. Because you in New Hampshire have always led the way with your citizen legislature, with your House, with your Senate. You truly are representatives to the citizens of this state. And I think that those of us that serve on the National scene would do well to emulate you. Especially in serving without coats on in the Senate. Thank you.

HOUSE MESSAGES

SENATE REFUSES TO CONCUR WITH HOUSE AMENDMENTS

REQUEST COMMITTEE OF CONFERENCE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 181-FN, relative to the number of winner take all bingo games allowed on one game date.

Senator McLane moved nonconcurrence, and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Disnard.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 208-FN, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

Senator McLane moved nonconcurrency, and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 171-FN, relative to maintaining the "Old Man of the Mountain."

Senator W. King moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: W. King, Oleson, Fraser.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Merle Schotanus, Paul Lamott, Howard Dickinson, Roland Frechette.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 328-A, relative to a new Manchester district court facility and making an appropriation therefor.

Senator Nelson moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Nelson, J. King, Podles.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler, David Alukonis, Paul Lamott, Joanne O'Rourke.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 577, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board.

Senator Currier moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Colantuono, Cohen.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Fred Peyron, Eva Lawrence, John Barnes, Charles Vaughn.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 581, relative to personal property of tenants.

Senator Currier moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Humphrey, Pressly.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Coffey, Robert Oulette, Leo Calawa, Mary Molner.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 523-FN, relative to local cease and desist orders for zoning, planning and code violations.

Senator Currier moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Colantuono, J. King.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Katherine Metzger, Elizabeth Lown, Patricia Cote, Thomas Salatiello.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 603-FN, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.

Senator Currier moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Cohen, Fraser.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Lynn Horton, Robert Lockwood, Ann Torr, Jennifer Soldati.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 532-FN, relative to the color of ballots used in municipal elections.

Senator Bass moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Bass, Roberge, Cohen.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Carol Holden, Paul White, Natalie Flanagan, Thayer Kingsbury.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 276, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties to the commissioner of environmental services.

HB 349, relative to the charter of the New Hampshire Centennial Home for the Aged.

HB 434, relative to the procedure for planning boards to revoke approval of recorded plats.

HB 485, relative to living wills.

HB 660, establishing a highway and bridge betterment program and continually appropriating the highway and bridge betterment account.

HB 754, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes.

SB 10, establishing a study committee on bonuses for veterans who served during the Persian Gulf Crisis.

Senator Currier moved adoption.

Adopted.

HOUSE MESSAGE

HOUSE RE-REFERRED TO COMMITTEE

The House of Representatives has Re-referred to Committee the following Bill:

SB 213-FN-A, relative to the distribution of meals and rooms tax revenue.

HOUSE MESSAGE**HOUSE REFUSES TO CONCUR**

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 119-FN, relative to the business profits tax, the real estate transfer tax, and the communications services tax.

SB 129-FN, establishing a study committee on sale and distribution of cigarettes.

HOUSE MESSAGE**HOUSE CONCURS WITH SENATE AMENDMENTS**

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills and Resolutions sent down from the Senate:

HB 443-FN-A, relative to shoreland protection and making an appropriation therefor and relative to pesticide applications.

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills and Resolutions sent down from the Senate:

HB 136-FN, relative to current use assessments and the land use change tax.

HB 193-FN, relative to lease-purchase agreements for district courthouses, meetings of the Auburn District Court, study committees on the district courts, and making a supplemental appropriation for renovation of the Rochester Post Office as a district court facility.

**HOUSE ACCEDES TO SENATE REQUEST FOR
A COMMITTEE OF CONFERENCE**

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 181-FN, relative to the number of winner take all bingo games allowed on one game date.

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 182-FN, relative to the division of information services.

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 183-FN, relative to the Lamprey Regional Solid Waste Cooperative.

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 208-FN, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

COMMITTEE REPORTS

Recess.

Out of recess.

Senator Delahunty in the Chair.

HB 25-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. Finance committee. Ought to Pass with Amendment.

Senator Blaisdell for the committee.

SENATOR BLAISDELL: It is going to be a long day, I guess. To support the Senate position for the biennium ending June 30, 1993 requires as everybody knows, a very substantial amendment. It may be difficult to get through, but it is the Senate's position. I am not going to go into much detail about what is in the document, because I believe that most of you know what is in the committee report, because you participated in the development of this document. I am going to touch on a couple of the highlights. The total general fund requirement for the ensuing biennium amounts are nearly 1.4 billion, including a \$34,000,000 reduction in the Employee Health Benefit appropriation. I want to lay any fears right now, that we are continuing the dialogue with the State Employees Association. And we will continue that dialogue. We've also calculated the lapses. The appropriations provide which historical will not be expended in about 3 percent. The committee report through issuance of bonds, funds school building aid and sewer grants. We considered the level of funding provided for the responsibilities of state government. Included in HB 25 as passed by the House. It was a good product; however, we enhanced it where the committee deemed it necessary to provide for our citizens who through no fault of their own are at risk. At risk because they have children who are in need of financial support, supervision, or health care. Adults who are disabled, or elderly who are unable to totally care for themselves, which by the way, includes additional funding for the Meals on Wheels that we discussed yesterday. We did not ignore education, nor did we ignore other pressing needs of state government, relative to Mental Health, Developmental Disabilities, Public Health, and as you know, I could go on, and on, and on the rest of the day to tell you about what else is here. To finalize my overview of what the Finance committee did for

the record. We reviewed the entire budget. And I again empathize with your participation, we adjusted where necessary. It's not perfect, but it's the best that we could do at this time. As the Senate Finance Chairman, I request your favorable vote at the appropriate time. Before I sit down I want to acknowledge the tremendous support of Mr. Charles Connors and his complete LBA staff. Without their knowledge and dedication the work of the Senate Finance committee and I might add the Senate, could not have been accomplished. I thank the Senate for their participation and advice and help. Their input was appreciated and as I remember for the first time since I have been in the Senate, the whole Senate was a part of the process. I am deeply grateful. We have six sections of the budget as you know. Members of Senate Finance will address them. I am now going to defer to Senator Hough who will go through the sections and then from there, we will go to Senator King and we will be very glad to answer any questions that you have, that is why the LBA staff is on the floor of the Senate. Mr. President, I defer to Senator Hough.

SENATOR HOUGH: Mr. President, as a member of the Senate Finance committee, I am pleased to bring forward the information contained in the Senate's amendment to the biennial budget. Mr. President, I would like to recognize the Chairman of the Senate Finance committee, Chairman Blaisdell for his wise council and strong leadership. Wherein as the great measure of the man, he allowed his lieutenants on the committee to grow and to assume the responsibilities of developing this document. There is no question in my mind, having served 20 years in this legislature and working closely with Senator Blaisdell. But he has learned more than any of us have forgotten about the appropriation process. And it's through his council, and guidance and encouragement that he has allowed us to come forward with crafting a document that will meet essential services to the state of New Hampshire. Special thanks should also be given to Debora McLeod, our Administrative Assistant who has worked early in the morning, till late at night, and on weekends to support the committee and coordinate our activities and our information with our professional staff. And Mrs. McLeod has also provided invaluable service to Senator Nelson in preparing the Capital presentation that we had yesterday. Obviously, there isn't a member of this Senate that does not recognize the uniqueness of the Legislative Budget Assistant's Office in this state as compared to how other states handle their budget preparations. We are recognized throughout the nation of having the most highly skilled budget office under the leadership of Charlie Connors. But he, too, as a great measure of the man allows his professional staff and Mary Jane Turcotte in sec-

tion I on General Government, Lenard Russell on Public Protection, Dick Duclos on the Highway, and Fish and Game activities as well as DRED. Jim Mitchell in Human Services and Jeff Pattirson in Education, prepare for us, this body, the analytical documents to allow us to go forward on the largest financial activity in the state of New Hampshire, the New Hampshire Budget. As we proceed to address the various six sections in the budget, I would request that you hold your questions until our conclusion at which time the answers to your questions will be given to the extent that we have the information. Failure to have the information will bring forth again the LBA staff to give you the correct answers to your questions. Mr. President, the committee on Finance is the Senate's committee. While we labor in the vineyard of Monday numbers, if you will. We do so at the direction and with the guidance of the policy committees of this Senate. And clearly this document is a document of political inclusion. Were it not for the policy decisions of Senate J. King and Senator Beverly Hollingworth, specifically in the area of Health and Human Service. Were it not for Chairman Podles of the Judiciary committee and with her insight and leadership in the areas of the Judiciary. Were it not for Senator McLanes' insistence on Emergency Assistant on AFDC. Senator Olesons' input as Chairman of the Transportation committee and quite frankly, an unusual advent that could have great impact on the budget, if it were not for the Leadership of Senator Fraser, who will come forth with an amendment later on in the day, dealing with a unfortunate event in the areas of security that could derail the biennial budget. Obviously, Senator Disnard and I are neighbors and very closely associated. It's under his leadership in the policy committee under Education. Working in concert with Senator Shaheen, that we have drafted a document that properly reflects what the Senate's position should be in support of Education. Senator Currier advised us on how to handle Emergency Medical Training. We are fortunate in this Senate, unlike the immediate past Senates to have the expertise of wise counsel and were it not for Senators Russman and Colantuono, the positions that we have outlined and struck in regard to the courts and the members of the court, as affirmed by the desire of Senator Pressly to have the Nashua Courthouse functioning. Senator Heath, my colleague from the North Country, is a Director of the Christa McAuliffe Planetarium. If in this instance if no other, he certainly understands that we have to continue to support this vital teaching facility. And our budget reflects the commitments that we have made and allows for the Planetarium to go forward. Your committee on Finance is concerned and dedicated, and is committed to the work of the Appropriations policy. Unfortunately, it is time-consuming and labor intensive. It does not allow us to spend the amount of time and ener-

gies in the otherwise world reviews that the policy committees have been entertaining since we came into session in January. No, instead of being able to address these views that attract attention and in some instances controversy, it is this committee, your committee on Finance that spends untold hours preparing to maintain the funding mechanism which only the legislature has the responsibility of bringing forward to allow an executive branch of government to administer state government as we know it, to the extent that change should be in the offing. Later in the day you will see that under the Leadership of President Dupont, we will bring forth under HB 65 an attempt to bring in all of the New Hampshire communities, both from the academic world and the business and finance world. The provider world to have a blue ribbon commission address reorganization of government and hopefully through the volunteer efforts of the best and the brightest amongst New Hampshire men and women, we can address next January, the type of structural changes that may come forward after an in-depth review of how we operate. I would tell you, Mr. President, that the Senate position on the biennial budget, consistent with past bienniums, skills our resources to those among us that are less fortunate and least able to help themselves. Consistent with Senate positions in the past, our document invests in our brightest hopes, the education of our children. And as we move forward you will see through the good works of Senator King, that this vehicle also is committed to our resources and to protecting them so that we can pass on that quality of life which we hold in trust for future generations. The quality of life and the environment of the state of New Hampshire. Mr. President, I would outline as we go forward in section I, that this body, unlike the House, clearly understands the state's responsibility in the area of state planning and in the assistance to the regional planning commissions and the coordinating activity and the expertise that we give to the locals which they otherwise would not be able to have. There is no question that Head Start is visited in the Senate position as it was not in the position as it came from the House. Chairman Hager clearly pointed that out when she delivered this document to us that that was a technical oversight on the House position. To the extent that we are a diverse and vibrant society, we recognize that cultural affairs as a legitimate purpose in the New Hampshire budget. We have invested the necessary resources in the state treasury to help the treasurer address the outstanding observations in the audit and will allow her to be current in terms of her reconciliations so that we will know at all times what our cash position is. We have used the resources of the administrative account to allow the New Hampshire Retirement System to have the automated general ledger, that prudent business management would require. The highlights of public

protection would indicate that we recognize, with 27,000 judicial items backed up in our Superior Courts, it is necessary not only to open the Hillsborough County Courthouse in Nashua, but further to bring on line at the direction of Senator Podles, two additional Superior Court Justices. Throughout the budget, you will find instances where observations were brought to the committee by Senator Hollingworth specifically, and in the area of the Department of Agriculture we have maintained the soil conservation program that allows the Department of Agriculture to coordinate the activities of the Regional County Soil Conservation activities. Again, to the credit of Senator Hollingworth, we have provided not only the inspectors in the Department of Labor, but we have used the fines, if you will, to be unrestricted revenue, and not to be a discount to the charges returned to the insurance carriers, and that is probably one of the more meaningful changes that you will find in this document. As Senator Podles and Senator Bass understand, we are maintaining the liquor store in Suncook and Greenville which will generate approximately, \$600,000 a year in revenue. And we have recognized that we must go forward in the area of Human Rights and are providing an additional investigator for that critically important activity. Sections 3 and 4 of the biennial budget and the Senate position are a result of the in-depth and extremely hard work of Senator King. Wherein he, in consultation with the President of the Senate, have invested our resources in the area of Economic Development and for the dollars spent there will be more than \$4 returned for this activity and Senator King will address this Fish and Game in Transportation shortly. For 20 years, I have worked in the area of Human Services, and clearly the document that the House recognized that we have a special responsibility to those that otherwise would be put at risk. And although that position is not different than the House's position, their work was not complete. And so it is that the Daycare Coordinator position is restored. And so it is that the Poison Control contract is maintained. As with the Emergency Medical Service contract, cancer screening, the tumor registry, maintaining of our health laboratory activity which is the first line of defense for a Public Health Agency. To think that you can downsize and privatize in this area, is to walk away from a responsibility that affects each and every member of New Hampshire society, regardless of their level of station. We recognize that and Public Health will continue to provide a function in terms of the laboratories to protect our lives and the lives of our children. Senator Hollingworth's position on immunization was established in February in this Senate. And we have an expanded immunization program that is a public, private partnership with the providers that takes and provides a broader level of inoculations and picks up the uninsured population. That is the pol-

icy of this Senate and that policy is reflected in this budget. Maternal and Child Health, clearly reflects the policy of inclusion. It is in that area that the interested members of the Senate came forth and worked with the committee in open session and this document reflects that. An otherwise insignificant activity is being maintained in newborn testing that the window to our opportunity to the infants born in this state of New Hampshire, for our health and vibrant life has been maintained at minimal dollars and on, and on, and on, we can go in the Environmental Health. We recognize the sins of the past in the James O case, and we are going forward with a responsible position in this document that outlines the otherwise negligent position of the state, in the past. I would tell you that in the conclusion of this presentation, that there will be a further amendment to be considered. That amendment will restore 29 positions in Enforcement of Child Support that no one can understand why it fell out in the printing process. It affects your bottom line to no extent. Those positions will be restored, as will there proper demonstration of our support to the University System as well as the other technical changes that have serviced in the production of this document as analyzed by the Legislative Budget Assistant's Office. And further, there will be at the last minute urging by Senator Hollingworth, a restoration of the present mechanism of funding for the people that are maintained in their own homes and shared homes back in the counties. We understand the value and we will be bringing that amendment forward at the urging and with the direction of Senator Hollingworth. Clearly, one of the things that this budget recognizes and we would be remiss if we failed to recognize it, was that there is a population out there that is entitled to service, but presently is not receiving service. And it was under the insistence of President Dupont that this budget should reflect what was the major policy decision of two years ago, that in the area of weightlessness. Those fragile individuals that will come to us unannounced will be taken care of by this document. We have maximized federal reimbursement in using the Philbrick Center, for Psychiatric Chins to its fullest capability. This document represents the policy of this Senate in the whole area of children and youth. And we are maintaining the funding that will carry that program forward. Meals and Wheels was the debate of yesterday. Clearly, the position of the Senate is reflected in this document. At the end of the Human Service budget as the New Hampshire Soldiers Home. It is with pride that every member of this legislature recognized that our veteran population is being properly attended to. We made the capital investment to expand the Veterans Home to accommodate an additional 50 patients. And it sits idle. And through the work of the LBA and consent with the Veterans Home, we have put in place a mechanism whereby at

the end of the biennium, the Veterans Home in Tilton will be fully operable and fully staffed and at capacity. As we moved into education, it should be no surprise that this document reflects the wishes of Chairman Disnard. The New England Board of Higher Education has the proper assets to fund our contractual obligations with our sister states, which allow for New Hampshire students to attend Universities outside of New Hampshire for the special programs that they offer as other New England students come to New Hampshire to receive the excellence in higher education and vocational educational which our Institutions offer. The leverage Incentive Grant is funded at a minimum of effort. Now is a critically important time to provide the resources to be matched by the private sector under a program that was developed with the leadership of Governor Peterson so that those students who are Juniors and Seniors can continue their education and at a point where there are displaced families you are seeing Juniors and Seniors in college who are having to stop their academic work. Now is the time, if ever there were a time, to provide the support for these people. The Optometric Program, the Medical Program, they maintained the contracts that we have set and executed by the state of New Hampshire, and so it is that, The Incentive Program. Plus, the erosion of 1/2 million dollars of federal support. To do otherwise is totally irresponsible when you look at what we provide for New Hampshire students wishing to attend higher institutions of learning compared to our state of Vermont that commits 8 million of its resources. This funding document allows for the policy committees in Education, in the Senate and in the House to move forward in concert with the professionals in the Department of Education in the area of testing. To walk away from assessment activities which we have been pursuing for the last number of years is irresponsible. We are going to use our resources to allow us to continue that activity, but we are going to do it with the proper legislative policy oversight. And that is what this document recommends. As we moved forward into the area of our Voch Tech's, we are providing the last best hope for a number of young people in the state of New Hampshire that receive the type of technical education that allows them to stay in New Hampshire, work in a changing economy, and to be productive taxpaying citizens of the state of New Hampshire. And finally, we look to our University system. And clearly, the position of the Senate in terms of the University system as a more positive position than both the Governor and the House. And it is a policy of consensus among the members that recognize the excellence that we have in our public University System. Mr. Chairman, there is always a question to ask or to dream of things that never were and ask why not? But there has to be a realization. It is no secret to any member of this Senate, that Senator Blaisdell

and Senator Hough have worked on the Budgetary problems of the state of New Hampshire for better than two decades. We understand, we know the reality of the politics of the state of New Hampshire. And while tax reform is a question in the communities that is moving forward and will continue to be revisited to do the irresponsible thing and bring this state to a standing halt to enhance the philosophy that we know is correct, would place great hardship on our citizenship and be irresponsible in our public trust. We are doing the very best that we can with the resources that we have on hand. We understand, we know what we should be doing and are not doing. But we are preparing a document that you will be able to support and move forward to meet with our colleagues in the House in conference and present to the Governor a mechanism that will keep the ship of state afloat in these troubled times and for the grand political debates that will come forward. In the meantime, responsible state government will be in place. In conclusion, Mr. President, I wish to thank the members of this Senate for the help and the encouragement they have given the committee. And I now defer to my colleague, Senator King, who will continue on the presentation of the Finance committee in regard to the biennial budget act. Thank you.

SENATOR DELAHUNTY: Thank you, Senator Hough. I think that most of us feel that your explicit and complete analysis of HB 25-A, along with your understanding and your timeless effort to address the problems that many of us have had with the budget and your help to resolve those issues is certainly appreciated. I know that the Senate Chamber certainly appreciates your bravery and your bottom line approach to getting to the budget.

SENATOR W. KING: Now I have to warn you that I am the new kid on the block, so I am not sure that I can be quite as succinct as my colleague, Senator Hough. He said I wanted to be involved in the process. This has been an unbelievable learning experience for me, and one that I will never forget. We all know that we entered this body knowing that we were entering into very difficult times, and we were in difficult times in the state of New Hampshire, and that we had to be cognizant of that as we went about our responsibilities. I want to commend Senator Dupont, Senator Blaisdell, and Senator Hough, without going through the entire list of Senators here. I want to commend those people because they understood that in these difficult times it was necessary for all of us to play a role in fashioning this budget. That is why we had those 3 full days of hearings where we had the opportunity to discuss every single line item in the budget. What that did for us this year is pretty obvious. But what it is going to do for us for the Senate and for the House of Representatives in the future, I think is even more important than

that. And that is that this kind of consensus building on a budget process will set the tone for future legislatures to follow. Where things are not done behind closed doors. Where things are done in the open with all of us participating in that. Let me be succinct in telling you what is in section 3 and 4 of the budget, because if I don't, Senator Nelson is going to lean over and stab me with, hopefully, with not the business end of her pen. In the area of Resource and Protection, the Senate position is that it is absolutely critical to maintain the funding for most of the programming that we have to protect resources. Things like the Lay Lakes monitoring program which is just about to receive a National award because of the way that we involved private citizens who are volunteers in a process of assuring that our lakes are the cleanest that they can possibly be. The budget in section 3 also reflects the understanding that if we don't pay careful attention to protecting our resources and providing the necessary dollars to fund that protection, then we are derailing our opportunity to grow out of an economic recession. That in fact, as Commissioner Varney has said "The quickest way to help economic growth in the state of New Hampshire, is to continue to cut funding for the Department of Environmental Services where we provide the permits for those people who have economic projects". So the Senate Finance committee in this Senate has approached the section of the budget that deals with resource protection with the full knowledge that protection of the environment and economic growth are not only not incompatible, but are essential to one another. In the Economic Development section of this budget we have beefed up funding for the matching grants program for tourism, knowing full well that states all around us are cutting their funding for tourism, and that we have a window of opportunity to seize a larger share of the tourist market. In addition to that it is fairly clear that most people are not traveling long distances. They are not flying. They are taking car trips. We have the opportunity now if we are willing to expend the dollars to do it, to get a much larger section of the market and therefore, increase revenues considerably. We have beefed up assistance for small business. We've beefed up the funding for Business Creation and Foreign Business Development in the area of International trade. These are all areas which will allow us to grow out of this recession and they are, I think, a necessary adjunct to what Senate President Dupont has proposed to do in terms of getting our economy rolling in the state of New Hampshire. Our Economic Development fund that we created earlier this year, the Economic Development Commission that we passed last week as well as the private sector. The private sector Commissioner that will take a look at the state's bureaucracy and determine whether there are ways that we can implement management changes to get

greater efficiency in the state of New Hampshire. I have to say that I am proud to have been a part of this budget. I am proud to have been able to play that role with all of you, Senator Hollingworth, Senator Nelson, Senator Colantuono, all of you who have worked so hard to come to us with proposed changes, with additions, with ways in which we could save money. This has been a wonderful process for me. But more important than that, it has proven to me that this is the best Senate that I have ever seen in my 10 years. And I urge your passage of this document.

SENATOR DISNARD: When the Governor first proposed his budget, I pointed out four deficiencies in it. I reminded you that he did not put forth a proposal which was balanced, and he did not. The fact that this budget is \$300,000,000 out of balance testifies to that. I pointed out that the proposal to slash support for higher Education would be an unacceptable burden upon our young people. I also indicated that you should be made a bonding and Capital Appropriations to keep New Hampshire people and New Hampshire projects moving. I suggested that more attention and funds should be given to Economic Development than the Governor provided. As a result of strong bipartisan budget agreement worked out in the Senate, I can honestly say to my colleagues, that we now have a better, and fair, and more farsighted budget than the Governor gave. The Ways and Means committee took input from Senators Hollingworth and King and they significantly reduced revenue estimates through a more realistic assessment of the economy. The Finance committee saw to it that they could bond some expenses such as building aid in order to keep our workers working and our state moving forward. Senate Finance, led by Senator Blaisdell, Hough, and Wayne King saw the absolute folly in the Governor's attack on the University System and increased funding to levels promised two years ago. And finally, Senators Wayne King and President Dupont put in legislation to create an Economic Development Fund which would work to provide incentive to business development and expansion. Now we have a good budget. What we don't have is a way to fund it. Judd Gregg, who blasted the Democrats as big taxers, has put forth a proposal to raise taxes an additional \$189,000,000. Added to this additional \$189,000,000 are taxes of last year, and if you add those in, we now have a figure closer to a quarter of a billion dollars. And the cuts that the Governor proposed were merely increases in property taxes. The proposal to delay revenue sharing eliminates state payments for retirement and the elimination of the Old Age Assistance match would add an ominous burden for the poor and the middle class, one that they can't afford. This is the last time that we can do this. No more nickels and a box of cracker jacks or phone calls to families. No

more increases in business taxes which devastate what's left of a manufacturing and job producing bases, no more angry threats of UNH or any such foolishness, no more cutting aid to Meals on Wheels Governor. The time has come to accept our responsibilities. Two months ago, the Governor told us that we would be out of the recession by summers end. He better be right, we've gotta be, because the second year of this budget is based on strong recovery. If it does not occur, and this economic up-swing that the Governor is telling us that is going to happen, we will be here with bipartisan support and pose some serious questions on how this government is to run. I hope that you support the budget.

SENATOR HOLLINGWORTH: I am going to just speak briefly because my name has been mentioned several times today and I am a little bit taken back by it, because it makes me a little bit embarrassed. I am afraid that it is going to be hung around my neck. What I wanted to say is it has been a whole different process for me being on this side of the wall. I have to thank the Finance committee because they have made it possible for each and everyone of us Senators to be a part of this budget. And it was a difficult procedure for all of us, mine particularly because I had 05 and 02. And as I met with different department heads around the state, and people out there, and particularly some lobbyist's who represented those people affected by that sections of the budget, I found that there were certain areas that we absolutely had to care for. Not because as a Democrat we have to have the policy to care for those human interests, but because as a citizen of this state, that it would ultimately cost us millions and millions more dollars for every child born of low birth weight. Every child who would not be discovered because we failed to do a blood test. Every woman who didn't have prenatal care, all those things, ultimately, would cost and many, many, more that I won't go into, but they would have ultimately cost this state millions and millions of dollars more. As a business woman I recognize that every dollar that we can save now, is dollars less that we have to raise tomorrow. It was difficult for me to ask to have certain things put in and I looked for areas in which I could make change. And it was a pleasure to find that the committees, the Finance committee, and other department heads, and particularly LBA, helped me come to those ways of doing things. I thank them again, and I thank Finance again, and I thank the department heads even though they aren't here today and the lobbyists I would like to say that this has been a fair process. There were a few problems this morning that I am very pleased to say again, even at this very late hour, that Finance recognized that things slipped through the holes and they were covered. But the one thing that I feel confident is, we vote on

this and that there is no money going back to our local units of government. There is no money being shifted to the property taxpayer in this budget. We have accomplished what I feel is ultimately our goal here and what we promised our constituents when we came here. That they will not be asked to carry the burden of our unwise decisions over the past years, but we have not been able to fund state government. Too long we have not come up with a new process and I think that all of us today realize that the tough bill after this one is the revenue bill and I am going to stand here and tell you that it has not been easy. I have had, perhaps my toughest days as a business woman and as a legislator have been in the last few weeks. But what I feel confident about is we are not going to hurt our seniors, we are not going to hurt our children, and we are not going to hurt our people who depend on us, and we are not going to hurt our state in the ultimate long run. I would thank again those people who helped this happen and I will support this Capital Budget.

SENATOR OLESON: I just would like to add a few words maybe touching on the Civil Department of which I happen to be a member of and Transportation which I happen to be Chairman. As far as Transportation is concerned, I have been encouraged by the action of my colleagues, and have had enhanced the many ways the understructure of our Transportation System. From our Airports, from Whitefield, to Berlin, to Lebanon, to Skyhaven, I have been very encouraged just on our aeronautics area. As far as the roads, highways are concerned, I thank my fellow colleagues for going along to seeing to it that money will be raised so that we can continue our road system as it is at the present time and hopefully make it even better. On the Environment, which in the House I happen to be more or less concentrated on. I have been very encouraged with the acts of the House and what they sent over in many areas. And I like to stress over and over again, that 60 percent or more of all employment in the state of New Hampshire, recreation, industry or whatever you please, depends on the health of our forests. And they have included this in a budget and this Senate has accepted it in the budget. There are many other areas that I am disappointed in and in other areas I have been encouraged in. One thing I would like to say and make it very plain, and that is that the biggest difficulty as I see in the state of New Hampshire, is for the ordinary person such as I, can accumulate and keep property. This is being eroded, not exactly all together through taxes, but through maintenance. Many people in my area always had the idea that they would be able to accumulate property and keep it. And that idea is slowly, and slowly disappearing. But I have confidence in my fellow members that this will be corrected. Thank you very much for recognizing me.

SENATOR MCLANE: I, too, am in support of the budget that has been crafted by Senators Blaisdell, and Hough, and King. I rise to thank them for the work that they have put into it. They know that I am the one that is going to go down and harass them about AFDC mothers and about the Emergency Assistance Program which has been costing our cities and towns more and more money each month of this year. When unemployment goes up, the cities and towns get stuck with the final bill, and they know this and to their credit, Senator Blaisdell and Senator Hough, know it as well. There are parts of this budget that I don't like at all, but I think that every single person in this room has got to take some of the bitter with the sweet. The part that I hate the most, is the \$34,000,000 that we are sticking it to our state employees. Because I think that it is unconstitutional and unfair. And I was part of that Committee of Conference many, many, years ago that gave to state employees 100 percent funding for health care instead of if you remember an 11 percent increase in pay. What I am grateful for, is that they didn't make any sort of a percentage lay off or a percentage cut in state employee hours. I had a call this morning from a young woman who works over in the Motor Vehicle Department. She said "I am so desperate that I am calling you up. I have two kids, I am a single parent, I am a nine labor grade. After they take out my taxes and insurance, I take home \$361 a week. There isn't a cent of that money that I can give up. And if you cut me half a day, you are making my life impossible." Fifty to sixty percent of our state employees are in those lower labor grades. Many of them single parents. If we are going to cut state employees, we have to cooperate more with what they like. They have suggested: early retirements, self-funding of our insurance program. All of those ideas, but what I admire about Senate Finance, is that they have at least recognized that state employees can not take the cuts that have been suggested across the board. But I do think that for 34 million is unconstitutional. And although that part of the budget I don't accept, the rest of it is a good enough effort, so I will accept the package.

SENATOR SHAHEEN: I would like to pick up on what Senator McLane said about the state employees. It seems to me that it is incumbent upon us when we pass this budget to send with it a message to the Governor that if we are to expect state employees to bear some of the cost of this budget, then we must be willing to sit down at the bargaining table and work with the state employees to make sure that what we come up with is something that is acceptable, not just to the state of New Hampshire, but to the state employees who have worked so hard over the years to make this state run.

SENATOR CURRIER: This process of the budget has been a very trying one I am sure for all of us. I have been trying to assist in how much of a hit the cities and the towns are going to take as a result of this budget process. I understand not only do we have our red document which is what the House sent us, but we have this document here which is an amendment. I understand that there is another amendment almost as thick that is coming from Finance. Is that correct, no? So the floor amendment is two pages? The question I have for somebody, and Charlie Connors is probably the one to answer it and I don't know if he has got it in his calculator or not, but I would like to know. Specifically, what the amount that has been passed on to the cities and towns either through county or through the cities and towns themselves in terms of revenue sharing? I for one don't believe for a minute that the delay in paying the cities and towns \$20,000,000 is ever going to come to pass. They are never going to get that money. And the reason that they are never going to get that money is cause it isn't going to be there to give them. My question is, and I have more questions than answers at this point. The 20,000,000 that was revenue sharing in 1983, the House and the Senate upon request of the then Governor was asked to freeze revenue sharing for one year. And it has been frozen ever since. And I don't have any answers as to how to solve this budget problem, but I want everybody to know that what the final impact on cities and towns is going to be. Because it is going to affect you in the ballot box at the next election, I am sure. And I want it to be clear before we vote on this what that impact would be. And I would ask that the LBA's Office provide us with that information at some point before the final vote is taken on it.

SENATOR BLAISDELL: I would respond. I would think that I would have Senator Hollingworth respond if you would like. But after we get this two page amendment, there will be nothing that will be shifted back to the cities and towns, Senator Currier. If you want to expand on that, Senator Hollingworth, because it was you that brought up that 3.6 million dollars this morning that we are trying to correct right now.

SENATOR HOLLINGWORTH: Unfortunately, there were two areas in the budget that did send money back to the cities and towns and they were discovered this morning. One was on a home based care section of the budget which was shifted back to the counties. There is an amendment coming up and the funding, Senator Currier, as you mentioned about the cities and towns. There is an amendment in there, but it does not pass it on until, that it will also be coming forward. But when we do this section of the budget there is another amendment that is being drafted that should be up shortly

that will also change that the money that is borrowed from the communities, is paid back, and if there is not money there, we are giving the authority if this body will pass it, which is what I believe that you will do. We give the authority to the state, to bond the money, to pay back the cities and towns so that there is only a temporary time that we are borrowing the money from the communities. So both those are in amendments. I feel assured, I did ask both Senator Blaisdell and Senator Hough if there was any other place that I missed, and they assured me that there is not. Thank you.

SENATOR HUMPHREY: Senator Blaisdell, in which of these documents in front of us do we look for the bottom line total of spending?

Recess.

Out of recess.

SENATOR HUMPHREY: The reason that I asked the question, Mr. President is that I have discovered that not one Senator has before him or her, the bottom line figure that we all need to be looking at and at least not in any of these official documents. And I find that frankly, symptomatic of this whole budget procedure. I say that without meaning to denigrate in any way the service of the members of the Finance committee. I don't envy them, their task, nor the hours that they had to put in. But at the same time, I am not satisfied with the work product. I heard another Senator who was installing the virtues of this bill talking about how certain provisions would get the economy going again. I would like to talk for a moment about how certain provisions are going to retard the economy and in so doing harm all of those citizens, well off and not so well off, who are dependent upon the health of our economy of our state. The HB 25, the budget bill before us, anticipates indeed, requires that later this afternoon after we pass this spending menu, we raise taxes to pay for it. We are going to be asked to raise the Rooms and Meals tax from 7, that is to say . . . I misspoke. We are not being asked to raise the Rooms and Meals tax to 8 percent, we are being asked to repeal the statute, the provision of law that would reduce that tax from 8 percent to 7. You are going to be asked to repeal that provision of law that would automatically reduce the rate of the Rooms and Meals tax from 8 to 7 percent. So in effect we are being asked to raise the tax as a practical matter. Well, I think Senators know that our tourist industry is still the most industry in the state. It is still the number one industry in terms of the revenues it produces and the effect upon the economy. I just can't understand how anyone with any familiarity with economic theory can propose to raise taxes at a time of recession. It just doesn't make sense. It doesn't add up. It's the wrong thing to do. It is going to make things worse and we would be

far better off, we would have something to crow about if we talked about how we cut spending so that we could have avoided raising taxes. I didn't hear an awful lot said today about those who think so much of this bill about what has been cut. The fact is, not very much has been cut. We are also going to be asked this afternoon after we order from this menu, after we eat this delicious lunch at the expense of the taxpayers, we are going to stick them with the bill and in the process we are going to raise the business profits tax from 8 percent to 9 percent. Well we have heard a lot about unemployment and it is a pressing problem. I can't imagine a better way to increase unemployment both in the short term, the medium term, and the long term, than to make the business climate more hostile than it already is. This is a mistake. According to the work paper we were provided, the keeping of Rooms and Meals tax at 8 percent will yield \$23,000,000 in revenue. Well, I think that is based on static analysis and by the way, Mr. President, we better get into the 20th Century. This is 1991 not 1919. And I hope that we can begin to embrace some dynamic analysis in formulating the budget. It is utterly defying of logic to suppose that you can raise a tax and that there will be no effect on human behavior. There will of course be an effect on human behavior. You can't proceed on the basis of static analysis. It is going to raise \$23,000,000 presumably, but what is it going to do in its collateral effects. The effects are going to be very damaging indeed, both for the Business Profits Tax and the Rooms and Meals Tax in the opinion of this Senator. The Rooms and Meals Tax is supposed to yield 23 million. The Business Profits Tax increase is suppose to yield 30 million for the total of \$53,000,000. Well, when it's timely, Mr. President, and I don't want to offer it until other Senators have had a chance to address the bill, I am going to make a motion to recommit HB 25 to committee with instructions. That the expenditure figures be reduced to eliminate the need for these tax increases. That is to say, keeping the Rooms and Meals tax to 8 percent and raising the Business Profits tax to 9 percent. In other words, with instructions to reduce expenditures by the \$53,000,000 anticipated revenue from these tax increases. And furthermore, with instructions to address the spending side to reduce spending by a like amount. Now again, I am referring to this worksheet that we were provided in connection with the budget. shutting down the government, the state government, one-half day per week. One measly half day per week. According to this which we were provided, would, these are all biennial figures I have been citing, incidentally would raise \$52,000,000. That is to say, would save \$52,000,000. A lay off of 400 employees would save \$20,000,000. So I am going to offer with instructions a motion with instructions to the committee to find spending savings of \$53,000,000 from among those two items. Now I

know that state employees have already taken a whack in their benefits package as it affects their medical insurance. They are going to be asked as I understand it, to pay the first \$20 of any medical bill. Well, I am going to say that it is about time we did that, because there is no more irresponsible policy in the area of medical care than to pay the first dollar of medical claims. Any economist, perhaps I should add the word virtually in the economist and virtually any person with expertise in the area of Medical care and Medical Insurance, and Medical cost will tell you that the thing that most drives the inflation of medical cost is 3rd party payments, but even more so, first dollar coverage. No one employer in his right mind today, offers first dollar coverage. First of all because it is unaffordable. Second of all because it is a very dumb policy with regard to its public effects. I know that the employees have already taken a whack in that area. And if indeed this goes back to the committee, and the committee produces these savings, that the employees will be asked to take yet another whack. And that is unfortunate, but just look around us ladies and gentlemen. There are people all over the landscape that are out of work. What is so special about the state employees? Do the people of this state work for the state employees, or do the state employees work for the people of this state? If the people of this state are not spared unemployment, why should we at the expense of raising taxes, spare our state employees? There are a lot of ways that we can do it. We can go to partial work weeks, or we can layoff this group or that group. By the way, I am all for taking a big whack out of the non-classified employees. I would like to see 80 percent of them layed off, and the balance in classified employees. Now, I don't expect this motion will pass, but I am going to offer it anyway. Because I think that it helps to highlight just what is going on here, and who knows, it might pass. It might pass and go back to committee. I know that we have a calendar problem, but as I understand the procedure, this is going to be legislative day, May 29 for the next week if necessary for us to get this bill finished. As I understand it, the clock will be stopped, the calendar will be stopped and so any appeal to the deadline that we have before us, is really no appeal at all, because there is no deadline, practically speaking. That is the substance of the motion which I intend to offer in due time, Mr. President, but I don't want to preclude anyone who seeks first to address the bill.

SENATOR HOLLINGWORTH: Senator Humphrey, I know that you are a member of Ways and Means as I am, and I would have thought that you would be aware that the vote was not to increase the BPT. That the vote out of committee is not to increase. It is at

the same level with an amendment. The amendment is a business credit to encourage economic development in the state and there is no increase on the BPT.

SENATOR HUMPHREY: Well, I beg the chamber's pardon. I did misspeak and I did misunderstand. We switch back and forth it seems so many times that I got confused on that point. So therefore, since I am wrong on that point, when and if I get to offer this motion, I will offer instructions that the savings be equal to the revenue to be derived from the increase in the Rooms and Meals Tax.

SENATOR HOLLINGWORTH: Senator Humphrey, have you done any runs or looked at any of the departments to see what the economic impact on the state would be for those 400 employees you are saying to let go, those that would not be able to provide rent for their families and food for their tables, and clothing for their children and who we would ultimately have on our welfare roles and our unemployment roles?

SENATOR HUMPHREY: In the first place as Senator Hollingworth knows, Senators don't have resources to get that kind of information. We all know empirically what it means. But I ask again the question. Which is more preferable, raising taxes or cutting spending? And I ask again the question. Does the dog wag the tail or in New Hampshire nowadays does the tail wag the dog? Do the state employees work for us, the citizens of this state or do we work for them? And do we raise our taxes to protect them against the same economic hardships that taxpayers everywhere across the state are facing? I think that that is the answer to the question.

SENATOR HOLLINGWORTH: Senator Humphrey, are you aware of the tasks that state employees do? That they do perform services and that we have cut across the board, and that their services that they perform are caring for those people who need assistance for the YDC and for the state prison, and for all the other services around the state and that they are in many of the departments, they are working, the AG's Office has been cut to the point where they no longer can handle the demands on that one department?

SENATOR HUMPHREY: Well, all employees, whether on the public sector or the private sector perform some function. They are getting laid off wholesale in the private sector. I don't see why it should be any different in the public sector and why it should be any different in New Hampshire as the Senator is surely aware that in other states state employees are being laid off and or the work week is being cut.

SENATOR COHEN: Senator Humphrey, is it not true that your participation and questions to the Finance committee were excep-

tionally limited, your participation in the dealings with the Finance committee, going through the budget consisted of perhaps a total of 20 minutes? Is it not true that you didn't raise a voice, that you didn't raise the questions, and you didn't participate during this part of the process that everybody else participated in and that you were just interested in coming out at this last minute, and working on this image? Grandstanding here and refusing to look at the details and the hard work that the Government has responsibility to its people.

SENATOR HUMPHREY: First of all, the Senator is not a member of the Finance committee. Second of all, he is a member of three other committees which are often meeting and overlapping and Senators know all about that. Third of all, this is a body in which members have other professions. We are not professional legislators, and may it ever be so. And furthermore, we have a very limited, we are very limited in the area of staff resources, especially individual Senators. And therefore, the point I am trying to make is, in addition to serving in this Senate, we have to earn a living. So let's be realistic. There isn't a way to earn a living and to spend 80 hours a week in the Senate. And therefore, we have to either reduce the work load around here and I have got some ideas that I will express in due time on how to do that. Or increase the staff resources or spend all year in session. The point that I am trying to make, Mr. President, is that it's simply unrealistic to criticize a Senator for not participating in the affairs of a committee in which he doesn't serve. Because Senators just don't have the time to do it and earn a living. And they need to earn a living if this place is going to remain a nonprofessional legislature, which I hope that it will always.

SENATOR MCLANE: Senator Humphrey, we have talked about in generalities, and I think it might be helpful if I ask some very specific questions about what you would cut in this budget? And the first one being a percent of their health care cost you pick up right quick. But I want to ask you specifically, would you break the SEA Labor contract to force state employees to accept that specific part of their present contract, which is to take 20 percent off of their health care cost?

SENATOR HUMPHREY: Well, I think that is a question for the lawyers, but we could always declare bankruptcy in which state, you might argue, we have found ourselves. In any event, it is clear that we have to cut spending and the Senator wants to know exactly where I propose to cut spending. I propose to cut \$23,000,000 by asking the Finance committee to either shut down the government a 1/2 day a week which will produce \$52,000,000 by the way in biennial savings and/or layoff employees . . .

SENATOR MCLANE: I think that is a day, not half a day.

SENATOR HUMPHREY: On my sheet, Senator, it says a half a day. With the bulk of the cuts made in non-classified employees first and the remainder thereafter coming from classified employees.

SENATOR MCLANE: So you're going to leave the septic system inspection alone?

SENATOR HUMPHREY: I don't even know what that is. I haven't addressed that.

SENATOR MCLANE: And you're going to leave the Asbestos Management Program alone?

SENATOR HUMPHREY: Well, is the Senator going to go through the budget, line by line?

SENATOR MCLANE: No, I've only said about eight questions.

SENATOR HUMPHREY: I've only addressed half a day work weeks, that is to say, a half a day off per week or a layoff. Is the Senator not attracted by the fact that by shutting down the government half a day a week, and who on earth would miss it? For half a day a week we could save \$52,000,000, plus avoid raising the Rooms and Meals tax.

SENATOR MCLANE: I think parliamentarily he is asking me a question and the answer I think I have given in my speech is I think it would be disaster to some state employees.

SENATOR HUMPHREY: Of course it would, Senator. But raising the Rooms and Meals tax, effectively raising it, is going to be a disaster for our economy which will affect everyone.

SENATOR SHAHEEN: Senator Humphrey, I think that all of us in this body are concerned about the growing cost of government and about raising taxes. I don't think you have a corner on that. We are all concerned about that. But I think that it is important to point out that even if we bought into your amendment to layoff state employees or to have them only work a half day. That only gets us about 1/3 of where we need to go in terms of cutting this budget and dealing with this deficit. So I guess I would pick up on Senator McLane's question and ask you where else would you cut? Would you cut immunizations, because we know that the long term costs are going to be a lot more than the immediate cost of paying for that program. Would you cut roads in the state. Because there are currently only five other states that have paid less on our infrastructure than New Hampshire has paid in the last 12 years. I don't think that is the place to cut. Any good business person knows that in order to keep

your business afloat, you have to invest in that business or you don't make it. So you know, I am sympathetic as I think we all are about the problem that we are in, but for us to stand up and say that we are going to cut, cut, cut, does not respond to the real problem. It makes good headlines, but it doesn't make for good government.

SENATOR HUMPHREY: Mr. President, I guess the Senator didn't hear me. Because she asked me questions that amounted to nothing. I didn't say anything about cutting roads, or immunizations, or any of the others things that the Senator is talking about. I am saying and I am not offering an amendment. I am going to offer a motion in due course to instruct the committee to cut \$23,000,000 by instituting a half day per week cut in the payroll. That will yield, according to the committees' documents, \$52,000,000, without touching immunizations, or roads, or any of the things that the Senator has raised.

SENATOR SHAHEEN: What my question really was, Senator Humphrey, was where else would you cut? If we bought into your state employees, because I mean, for those of us that went through the process of looking at the budget, line by line, you didn't offer any cuts in those line by line items?

SENATOR HUMPHREY: Well, I guess the Senator wasn't listening, Mr. President. I am not a member of the Finance committee. I have to earn a living. I serve on three other committees. I serve in this body when we are in legislative session and the Senator is making unrealistic demands. Now perhaps the Senator doesn't have to earn a living. Perhaps the Senator would like to see a professional legislature. I suspect that some Senators here would. I suspect that they would love to spend 365 days in this place, but I don't. To the Senator's question, may I say with all due respect to my dear friend, is perfectly silly. She's saying it's not worth saying, the Senator is saying it's not worth saving \$23,000,000 unless you come up with stage 2 cuts. Well, let's do one stage at a time. Let's cut the 23 and we will see where we go from there.

PRESIDENT DUPONT: Senator Humphrey, I guess my first point would be that a half of day shut-down in state government yields \$13,000,000 per year for a total of \$26,000,000 during the year, during the biennium in order to save 52 million dollars you would have to shut state government down 1 day a week for the full two years. I would also, with respect, disagree with Senator Humphrey about the issue of staff in this body. This is a citizen legislature. We as citizens of the state make decisions for the people that we represent, not staff. And to get a budget in this body, a number of the members of this body rolled their sleeves up and they put the 80 hours a week in, and they make the decisions, not recommendations from staff

about where we as legislators are going to spend. That's the value of a citizen legislature, not having 15 staff people to come in and tell you what you should do, you are standing up on your own two feet, taking the information that is before you and making a decision. And I can only point to Washington for an example of what happens when you ultimately let staff run the government. I would at this point in time, I mentioned the issue about rolling up your sleeves, and there are a number of members in this body who aren't on Senate Finance that rolled their sleeves up. They worked with the Senate Finance committee. And I would also like to applaud my colleague, Senator Disnard, and the members of the Democratic party in the Senate who I think have demonstrated a commitment to work with the leadership towards coming up with a document that this body can support, and also the Republicans in this body who took the time, spent the time with Senate Finance, and ultimately, worked towards a solution. And certainly, Senator Blaisdell, Senator Hough, as the driving forces behind Finance and yourself, Senator Delahunty, and Senator King who put significant hours in, and Senator McLane on Ways and Means who had the most difficult task. We are not talking about revenues right now, we will get to that opportunity a little bit later on. Earlier in the year, I spoke to this body, and I have been around the state speaking to business groups about a proposal that I put forth that was talking points about a plan for the state of New Hampshire. That plan included balancing our state budget by cutting what we could possibly cut without hampering our economic recovery, raising revenue without impacting businesses. Building incentives into our Business Profits Tax if we couldn't broaden it, to try and create economic activity in the state of New Hampshire. Those included job credits and the double waiting provision that we discussed for search and development credits and capital investment credits, all designed to encourage investment in the state of New Hampshire. As I spoke to the business community the message has been clear, they expect us to get our house in order. And we all point to what's being done in the private sector. And I can appreciate that because I think that all of us again as citizen legislators that are business people, have experienced the significant economic hardship that exist out there. But we can't go forward from this body and praise the expertise and the work of the private sector without being willing to take the same steps over here to deal with our own budget. Massachusetts last year, and I am one of those who don't like to beat up on Massachusetts because I think that our economies are so closely linked that the economic health of Massachusetts is important to the state of New Hampshire. They spent several months without a solution, they could not come to an agreement. There is no worse economic message that this body, that this legisla-

ture can send, than for us not to agree on how we are going to address our own financial problems. Not dealing with this budget only leads us to further economic problems in the state of New Hampshire. I will be the first to stand here and admit, that the solution before you is not perfect, but without action, our state is bankrupt. You all have a choice, you can be a good politician or a good legislator, you can look at your political future, or you can look at the future of the state of New Hampshire. We need to focus on what our actions are going to be to fix the state of New Hampshire. With that comes a strong recognition that our economic problems, when they are solved, will help solve our budget problems, and when our economy improves, that we won't have to make some of these decisions today that many of us are going to have to make. When you talk about this budget, the spending side of this budget, you are talking about putting money into education, you are talking about a trained work force, putting money into vocational education, funding the university system that can be part of the solution to our economic problems. Putting money in vacation and travel and putting money into economic development. Those are all goals that the Senate established early on that economic development was important. That preserving the business climate in the state of New Hampshire was important and we have put in place a plan. We put in place an Economic Development Commission, we built incentives into the BPT with the passage of some, the revenue package this afternoon. And we put in place what we refer to as the MRT, the Management Review Team to go through our state government. We can stand here today and we can take an axe and start knocking off pieces of state government without understanding the consequences of that or we can draw on the expertise of the private sector to come in and make intelligent decisions about making this government more efficient. This is not the Senate's budget, it is not the House's budget, it's not the Governor's budget. It is the people of the state of New Hampshire that are served by this budget, not us. We have a responsibility to act in a manner that serves the needs of the state of New Hampshire. We may disagree about what those needs are, but by saying that all we should do is just knock off a piece of state government or indiscriminately cut state agencies out without understanding the impact to the state of New Hampshire, to do that today in this body after you have had a Senate Finance committee that has gone through this budget, line item by line item, by saying that you don't have the time to do that is irresponsible. We have to ask the people of the state of New Hampshire to work with us to solve New Hampshire problems, they are not going to go away by themselves. The problems are of the past, I hope. And I am one of those who stand here today, hoping that New Hampshire problems are behind us. We

need the help of the state employees. There has been nothing but a good working relationship with them up to this point in time and we need to preserve and continue that relationship, because they do the work of state government. We need to go forward today and, Mr. President, I will finish up with this, with the hope that our future is going to be brighter in New Hampshire, that we as a state are resilient. That these are difficult times, but that we all have the strength to move the state forward. We have to ask the help of the people of the state of New Hampshire and bearing with until better times come. I hope that the future does hold promise for our state. We in this body, all need to be part of the solution, because fixing the state of New Hampshire is not somebody else's job. Thank you, Mr. President.

SENATOR HEATH: I have been struggling with some math here and I was wondering if you could help me? Senator Humphrey was talking about a half day off and I would suggest that we do that as a prelude to this question it could be Friday afternoon, they take it anyway. You said that's worth \$13,000,000 annually right?

PRESIDENT DUPONT: That is correct, Senator.

SENATOR HEATH: Does that mean that if I multiply 13 million by 10 that with the assumption that there are 10 half days in a week, that the payroll for the state employees, the employees of the state of New Hampshire without the benefits amounts to \$130,000,000 annually?

PRESIDENT DUPONT: Senator, you would have to make the assumption that you are not going to send the State Police home, because there are going to be people out on the roads driving drunk and speeding and doing everything else, that you've got a state prison that needs to stay open, that you've got a mental health system that has people in it that need 24 hour care. So as you go through the detail of taking out of the spending reduction, those agencies that are required to continue to operate, you arrive at the \$13,000,000. I would like to just add one other thing. I think it is quite demeaning to those employees of the state of New Hampshire that are here on Friday afternoon, and do do their job, and to blanket all state employees under that statement, is an unfair statement. Because the employees that I personally find are sitting at their desk on Friday afternoon.

SENATOR HEATH: Senator, if you would let me respond. It is no more unfair to blanket them in that way, than it is to talk about what wonderful people they are when you try and get ahold of them on a Friday afternoon. First they are not in, and then they are out to

lunch, and then they're gone for the weekend. And I guess one generalization isn't any worse than the other. I am responding to something that had nothing to do with my question. If you want to rule somebody out of order, rule us both. I guess what I want to know is, how it is that when Senator Humphrey makes a proposal you represent the proposal having modified it considerably at \$13,000,000? I don't think that he made those exemptions. Unless, he was just talking across the board.

PRESIDENT DUPONT: Senator, I would just add that I believe that Senator Humphrey is working from a sheet that I personally put together myself. During the last few weeks as we worked on this budget there have been several proposals that have come forward that we have looked at, including shutting state government down for a full day a year, which brings you the \$26,000,000. If you shut down one-day a week, take out those employees that have to be on the job, you can shut the liquor stores down, you can shut the state hospital down, you can shut Revenue Administration down, you can shut the legislature down, but there are some people in state government that are going to need to be at their jobs. If it's the wastewater treatment people at Winnepesaukee Basin, I would assume that you would want to keep wastewater treatment plants open. You can't do these blankets, shut everybody down and close state government down without taking into consideration the impact. And that is my point. I apologize to Senator Humphrey and yourself if I misled you, but that was a worksheet, and at one point in time we did have one-day a week as a value of \$26,000,000 each year.

SENATOR HEATH: Would you believe it is not my proposal to do anything in a blanket fashion. I have heard that suggestion sort of aimed by my ears several times today from the caucus on, and I don't believe in doing a blanket across the board proposal. I think that the budget, would you believe, is too important to do by percentages across the board?

SENATOR HUMPHREY: Senator Dupont, the worksheet that I have is dated May 22. Evidently, perhaps it is out of date, but just for the record, I would like to establish what is the saving for releasing employees one-half day per week, excluding those employees who are essential to public health?

PRESIDENT DUPONT: Thirteen million dollars per year, or a 1/2 million dollars per day.

SENATOR HUMPHREY: Thirteen million per year, 26 per bien-nium. Okay, while keeping the Rooms and Meals tax at 8 percent versus 7, is going to raise 23 according to this, and 1/2-day per week

shut down will raise 26. So that is worth saving and it seems to me that the times call for that kind of action on our part. It is being done in other states and I don't understand why our state should exempt itself from that process?

PRESIDENT DUPONT: If I could just respond. I would just like to point out to Senator Humphrey, that Senate Finance considered that, and it was, as far as I was concerned, that was a legitimate proposal before them and it was the interest of Senate Finance not to lay people off. I stand here today saying I don't think that it is a good idea to put another 1,000 people out on the streets to pay them for what they pay for dependent children, for administering food stamps, for in the state of New Hampshire that all of us here in this body have been working and trying to create jobs in the state of New Hampshire in the private sector. But the state government today stands at about the same number of employees as it was in 1983. That the state of New Hampshire and its communities spend at 70 percent of the national level. People do not understand. And for all the fat that we assume is in state government it isn't as fat as Massachusetts, or Maine, or Vermont. And it is much more difficult. This budget has been open for 6 months. We have had 6 months to work on it and, Mr. President, I will answer any other questions, but I would just like the body to remember that the budget problem has been before us all through this session and there has been sufficient time to deal with the budget, to bring proposals forward to cut the budget, and that we are here today to hopefully, take action.

SENATOR HEATH: The order in which the budget has come before us, and the budget doesn't just consist of the spending. It consists of the deriving of revenues, to underwrite the spending is symbolic of what is wrong with this process. First, unlike in our families and our personal life, we decide what we would like, think about paying for it later. Then the argument can be made to the members of this body, well you voted for this, now you have got to fund it. This budget process is a contest of philosophies. And I respect those who have a different philosophy and the people who made up the budget committee, and that includes Ways and Means and Senate Finance largely are of a different philosophy as to what our government's role is. This budget represents their philosophy as it should. I come down here to fight for my philosophy and each one of you come down to fight for yours. I don't think government's role needs to be as broad as we make it. I don't think government should be not only the last resort, but the first resort. I don't think that the budget of the state of New Hampshire when we use the bonding as a credit card and we keep rolling problems into the future, and in this budget bonding perhaps bonding. I don't believe that that is a proper role of

government and I don't think that we are going to spare a recovery when our borders are open to other nations and other states. We don't print our own money, we don't contain our own economy and then we are going to jump start it by spending a lot of money that we don't have and borrowing it and paying interest and losing our bond rating and increasing our debt service. I could be wrong, but I think that FDR politics are about 50 years out of style and that we have learned that that doesn't work. We can't spend ourselves into prosperity. And I would have no problem in voting for this abominable budget, this side of it, if the money didn't have to come from someplace. These are all good things that we do, we regulate the environment, we help out the poor, the needy, the semi-needy, the almost not needy at all. That is wonderful if it didn't have to come from someplace. The money has to come from someplace. It comes from the same people that we are giving it back to after we take a big chunk out of it. If it is a business tax, it comes from a business. And when a business is in trouble the employees of that business are in trouble. If it's a telephone tax, it is a broad base it's tax that is placed on the elderly and the sick who most depend on their phone as their link to the outside world. It is essentially, a bit of a flat rate tax. For the progressives in this body, you would call it a regressive tax if it were an income tax. But it's more regressive than a property tax. Who doesn't have a telephone? These taxes come from people. They come from the people that service your car, they come from the people who carry your bags out when you go to the grocery store. They don't all come from the guy with the tuxedo and the top hat as illustrated in Senator McLane's paper that she passed out here yesterday. They come from the average working people in the state of New Hampshire. We have a tax policy that this session seems to want to radically depart from. But there is an article in a recent journal that is not published by any friends of conservatives, I can tell you. State Legislature Magazine, and it is in May, talks about state poverty profiles. As much bad news as this comes to some of you, New Hampshire has the lowest people, the lowest percentage of people in poverty in the narrowest gap between the rich and the poor of all the states. It seems to me that means that New Hampshire is doing something right. It is not spreading the difference between the rich and the poor, it's narrowing it. That wasn't written by any propaganda of the right. I seldom see anything in this magazine anything that represents my way of thinking, but sometimes figures are figures. We have been told that it is irresponsible to speak against the budget if we haven't participated in the process. I have seen almost every member if not every member of this body get up and speak against the bills that came before my committee. I didn't see them there speaking against them when the bills were before it. I was

assigned a duty. I tried to carry it out. I think I did carry it out. I had committee assignments, I tended to those while the people on the Senate Finance were doing their work, and the people on Ways and Means were doing their work, I was doing my work. And because I don't want to spend an entire year, legislative year, it may be a year before we get through, putting out an alternative budget to have it slashed. I can count. I am not going to devote a year to put out a conservative budget, so that I can have 15 minutes of glory on this floor to have it slashed and burned. I am not going to do that. That doesn't mean that I can't critique the budget that is before us. And I intend to critique it. Let's talk about the promises. Every budget since I have been in the legislature makes these promises. It's like if you swallow this pill we will give you a little honey, out there someplace. We have promises in this budget, temporary things. All sorts of promises for the future. Well, look at what we are doing on the revenue side. We are breaking the promises that we made in the last budget. What you do with this budget when you vote for it is you get what you vote for. And what you are getting is broken promises. We broke the last ones, we made new ones. Those will be taken back. We promise over and over that we are not, this is going to be a temporary tax, a surcharge, it never goes away. We are just stopping and putting this contribution to this program, we are freezing it temporarily, it doesn't come unfrozen. So don't vote for this believing that the promises are going to be kept. And don't vote for this believing that we are resolving any theme, because if there is any theme to this budget, and I don't think that there is much of a theme, if there is any theme it's push it off on the future. I don't have aspirations to run for Governor, although that may change. But I am not looking at a budget just so that we can get out of here and look like we did something. It is nothing to get in front of a mob and to wave a flag and to say that we are leading. We are pushing problems onto the future of the state of New Hampshire with this budget. We are ruining our credit, ruining our reputation, too. Senator Disnard was correct, he said that it was farsighted. Well, if you have a pair of binoculars and you can look about 5 years down the line you will see that we will be paying for this session then in a big way. Senator, I believe it was Hollingworth, talked about we are not going to hurt the seniors. Wait till we get to the telephone business, their link with the outside world. We are going to hurt them. We give them something here and take it back there. We are going to hurt the families that support them. The working families that support their elderly relatives, neighbors and friends. I am not going to vote for this and I am not going to feel bad about it. And I am not going to feel bad because I didn't come up with an alternative. It wasn't my job. I wasn't assigned to that task. I don't have the resources that

the committee that was assigned to that task did. I don't think that the Senate Finance or the Ways and Means committee need take any shame. This represents to the best of their ability a consensus of their philosophy just as if I appointed that committee out of a choice of people that represented my philosophy I would hope that it would represent that. But I do disagree with it and I am not ashamed to say so. I think that we will revisit this session many, many, many, times in the future. I am sorry what is happening to the state of New Hampshire, but I don't think that we have the numbers as conservatives and Republicans in this body to change it. So I will say no more, but I hope to be able to see a shift, once the people of New Hampshire get the full experience of what we are going to do here today and come back and talk to each one of us about it.

Senator Currier moved the question.

SENATOR PODLES: First of all, I would like to commend the Finance committee for their work. I know the time that they have put into this. I spent many years working on the budget. I would also like to thank the LBA who so willingly and patiently spent almost the whole day of Monday with me to help me to understand the budget. Even though I am pleased with some of the areas in the budget, there are some areas that I think should be scaled back. I think they need a second look and in the next, in a very short time, the new taxes, and also the tax increases, will be proposed by the Ways and Means committee. I too, believe that these tax increases and also these new taxes are going to harm the economy, or retired, or whatever, and I certainly agree with Senator Humphrey. It reduces personal savings and it deters business investment and productivity. Studies have shown that tax increases do not balance budgets, they fuel government spending. My people are telling me that the spend style must end. Because working people can no longer afford to pay taxes. Taxes have become absolutely back breaking. They tell me that state government must learn to act responsibly within realistic revenues, rather than new taxes so that there are some PAU's that do not satisfy me and I would hope that the Committee of Conference would take a second look at this because we must scale it down.

SENATOR FRASER: I stand before the Senate as Chairman of the Banks committee. About 10 days ago, the Senate Finance committee asked the Banks committee to take a look at the action that had been taken by the House having to do with the Securities Division. We have done our work, we have had a public hearing. Contained in 25 is the funding for the, it's the House position that is in HB 25. There are some amendments that we are going to offer to the body

sometime later on today that will be offered under 189 which is the bill that I have been holding, having to do with the Rulemaking Authority of the Security. So I would urge you to vote for 25 and then at the proper time we will have amendments that will address the concerns of the body so far as the Security Division is concerned.

AMENDMENTS TO PAGE 1 05/24/91
HB25

AMEND SECTION 1 OF THE BILL BY MAKING THE
FOLLOWING SPECIFIED CHANGES, AND BY CHANGING
SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED
TO REFLECT THE SPECIFIED CHANGES

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
01 GENERAL COURT
01 SENATE

STRIKE OUT				
11 PERSONAL SERVICES - MEMBERS	400			6,627
INSERT IN PLACE THEREOF				
11 PERSONAL SERVICES - MEMBERS	400			5,961
STRIKE OUT				
12 PERSONAL SERVICES-PERMANENT *	373,632			412,810
INSERT IN PLACE THEREOF				
12 PERSONAL SERVICES-PERMANENT *	449,489			463,293
STRIKE OUT				
46 CONSULTANTS	27,500			27,500
INSERT IN PLACE THEREOF				
46 CONSULTANTS	30,000			30,000
STRIKE OUT				
60 BENEFITS	142,903			161,030
INSERT IN PLACE THEREOF				
60 BENEFITS	142,674			147,964
TOTAL		875,373		930,549
ESTIMATED SOURCE OF FUNDS FOR SENATE				
STRIKE OUT				
GENERAL FUND		797,245		891,298
INSERT IN PLACE THEREOF				
GENERAL FUND		875,373		930,549
TOTAL		875,373		930,549
01 GENERAL GOVERNMENT				
02 LEGISLATIVE BRANCH				
01 GENERAL COURT				
03 GENERAL COURT JOINT EXPENSES				
01 JOINT EXPENSES - OPERATIONS				
STRIKE OUT				
10 PERSONAL SERVICES - PERMANENT	123,495			140,934

AMENDMENTS TO PAGE 2 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

01 GENERAL GOVERNMENT	(CONT.)		
02 LEGISLATIVE BRANCH	(CONT.)		
03 GENERAL COURT	(CONT.)		
01 JOINT EXPENSES - OPERATIONS	(CONT.)		
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	181,371	186,170	
STRIKE OUT			
13 PERSONAL SERVICES-NON-PERMANENT	70,047	75,082	
INSERT IN PLACE THEREOF			
13 PERSONAL SERVICES-NON-PERMANENT	37,447	39,375	
STRIKE OUT			
60 BENEFITS	59,863	64,805	
INSERT IN PLACE THEREOF			
60 BENEFITS	57,276	58,863	
STRIKE OUT			
90 DUES-COUNCIL STATE GOVERNMENT	44,700	47,300	
INSERT IN PLACE THEREOF			
90 DUES-COUNCIL STATE GOVERNMENT	50,600	53,700	
STRIKE OUT			
92 CONTINGENCY	15,973	16,221	
STRIKE OUT			
94 MEMBERSHIP FEES	62,008	65,128	
INSERT IN PLACE THEREOF			
94 MEMBERSHIP FEES	69,475	72,246	
STRIKE OUT			
96 GENERAL CONTINGENCY	25,000		
STRIKE OUT			
THESE FUNDS SHALL NOT LAPSE UNTIL JUNE 30, 1993			
TOTAL	638,259	733,864	
ESTIMATED SOURCE OF FUNDS FOR			
JOINT EXPENSES - OPERATIONS			
STRIKE OUT			
03 REVOLVING FUNDS	37,131	39,194	
INSERT IN PLACE THEREOF			
03 REVOLVING FUNDS	45,000	45,000	
STRIKE OUT			
GENERAL FUND	612,045	693,786	

AMENDMENTS TO PAGE 3 05/24/91
HB25

	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
01 GENERAL GOVERNMENT		
02 LEGISLATIVE BRANCH		
01 GENERAL COURT		
03 GENERAL COURT JOINT EXPENSES		
01 JOINT EXPENSES - OPERATIONS		
INSERT IN PLACE THEREOF		
GENERAL FUND	593,259	688,864
TOTAL	638,259	733,864
01 GENERAL GOVERNMENT		
02 LEGISLATIVE BRANCH		
01 GENERAL COURT		
03 GENERAL COURT JOINT EXPENSES		
02 LEGISLATIVE OFFICE BUILDING		
STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT	21,595	24,307
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	24,881	24,881
STRIKE OUT		
20 CURRENT EXPENSES	43,700	46,100
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	47,300	48,500
STRIKE OUT		
60 BENEFITS	6,479	7,292
INSERT IN PLACE THEREOF		
60 BENEFITS	7,464	7,464
TOTAL	80,145	81,345
ESTIMATED SOURCE OF FUNDS FOR		
LEGISLATIVE OFFICE BUILDING		
STRIKE OUT		
GENERAL FUND	72,274	78,199
INSERT IN PLACE THEREOF		
GENERAL FUND	80,145	81,345
TOTAL	80,145	81,345
01 GENERAL GOVERNMENT		
02 LEGISLATIVE BRANCH		
01 GENERAL COURT		
03 GENERAL COURT JOINT EXPENSES		
04 VISITOR'S CENTER		
STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT	59,200	64,341

AMENDMENTS TO PAGE 4 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
01 GENERAL COURT
03 GENERAL COURT JOINT EXPENSES
04 VISITOR'S CENTER
(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	67,442	68,143	
STRIKE OUT			
20 CURRENT EXPENSES	3,200	2,900	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	2,700	2,700	
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	800		
STRIKE OUT			
60 BENEFITS	17,760	19,302	
INSERT IN PLACE THEREOF			
60 BENEFITS	20,233	20,443	
STRIKE OUT			
80 OUT-OF STATE TRAVEL	500	500	
TOTAL			97,786
ESTIMATED SOURCE OF FUNDS FOR	96,875		
VISITOR'S CENTER			
STRIKE OUT			
GENERAL FUND	80,960	86,543	
INSERT IN PLACE THEREOF			
GENERAL FUND	89,875	90,786	
TOTAL	96,875	97,786	

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
01 GENERAL COURT
03 GENERAL COURT JOINT EXPENSES
05 LEGISLATIVE ACCOUNTING
STRIKE OUT

10 PERSONAL SERVICES - PERMANENT	95,434	102,132
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	99,990	101,234
STRIKE OUT		
20 CURRENT EXPENSES	2,400	2,550
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	2,000	2,000

AMENDMENTS TO HB25	PAGE	5	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
01 GENERAL GOVERNMENT 02 LEGISLATIVE BRANCH 01 GENERAL COURT 03 GENERAL COURT JOINT EXPENSES 05 LEGISLATIVE ACCOUNTING					
			(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
STRIKE OUT 60 BENEFITS INSERT IN PLACE THEREOF 60 BENEFITS		28,630 29,997		30,640 30,370	
TOTAL ESTIMATED SOURCE OF FUNDS FOR LEGISLATIVE ACCOUNTING		132,987			134,604
STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND		127,464 132,987 132,987		136,322 134,604 134,604	
TOTAL		948,266		1047,599	
TOTAL ESTIMATED SOURCE OF FUNDS FOR GENERAL COURT JOINT EXPENSES GENERAL FUNDS OTHER FUNDS		895,266 52,000 948,266		995,599 52,000 1047,599	
TOTAL		4229,249		4888,284	
TOTAL ESTIMATED SOURCE OF FUNDS FOR GENERAL COURT GENERAL FUNDS OTHER FUNDS		4177,249 52,000 4229,249		4836,284 52,000 4888,284	
TOTAL					
01 GENERAL GOVERNMENT 02 LEGISLATIVE BRANCH 02 LEGISLATIVE SERVICES 01 LEGISLATIVE SERVICES					
STRIKE OUT 10 PERSONAL SERVICES - PERMANENT INSERT IN PLACE THEREOF 10 PERSONAL SERVICES - PERMANENT		590,764 636,400		643,494 652,700	

AMENDMENTS TO PAGE 6 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
02 LEGISLATIVE SERVICES
01 LEGISLATIVE SERVICES
(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT			
20 CURRENT EXPENSES	42,093	38,560	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	31,800	35,000	
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	2,000	2,500	
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT	1,000	2,000	
STRIKE OUT			
46 CONSULTANTS	20,000	20,000	
INSERT IN PLACE THEREOF			
46 CONSULTANTS		18,000	
STRIKE OUT			
50 PERSONAL SERVICE - TEMP/APPOINTEE	35,809	38,024	
INSERT IN PLACE THEREOF			
50 PERSONAL SERVICE - TEMP/APPOINTEE	5,000	30,000	
STRIKE OUT			
60 BENEFITS	179,968	195,957	
INSERT IN PLACE THEREOF			
60 BENEFITS	191,303	198,105	
STRIKE OUT			
70 IN-STATE TRAVEL	1,000	1,000	
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	500	1,000	
STRIKE OUT			
80 OUT-OF STATE TRAVEL	4,000	4,000	
INSERT IN PLACE THEREOF			
80 OUT-OF STATE TRAVEL	1,000	4,000	
TOTAL	867,003	940,805	
ESTIMATED SOURCE OF FUNDS FOR			
LEGISLATIVE SERVICES			
STRIKE OUT			
GENERAL FUND	875,634	943,535	
INSERT IN PLACE THEREOF			
GENERAL FUND	867,003	940,805	
TOTAL	867,003	940,805	

AMENDMENTS TO PAGE 7 05/24/91
HB25

(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
02 LEGISLATIVE SERVICES
01 LEGISLATIVE SERVICES

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
02 LEGISLATIVE SERVICES
02 ADMINISTRATIVE RULES

STRIKE OUT				
10 PERSONAL SERVICES - PERMANENT				
INSERT IN PLACE THEREOF	113,756			123,589
10 PERSONAL SERVICES - PERMANENT	123,400			126,005
STRIKE OUT	10,000			11,000
20 CURRENT EXPENSES	8,000			11,000
INSERT IN PLACE THEREOF	1,000			1,500
20 CURRENT EXPENSES	500			1,500
STRIKE OUT	34,127			37,077
30 EQUIPMENT NEW/REPLACEMENT	37,020			37,295
INSERT IN PLACE THEREOF	500			500
30 EQUIPMENT NEW/REPLACEMENT	200			500
STRIKE OUT	1,200			1,200
60 BENEFITS	600			1,200
INSERT IN PLACE THEREOF	2,000			2,000
60 BENEFITS	1,500			2,000
STRIKE OUT				
70 IN-STATE TRAVEL				
INSERT IN PLACE THEREOF				
70 IN-STATE TRAVEL				
STRIKE OUT				
80 OUT-OF STATE TRAVEL				
INSERT IN PLACE THEREOF				
80 OUT-OF STATE TRAVEL				
STRIKE OUT				
90 PRINTING AND BINDING				
INSERT IN PLACE THEREOF				
90 PRINTING AND BINDING				
TOTAL	171,220			179,500

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 8 05/24/91
HB25

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
02 LEGISLATIVE SERVICES
02 ADMINISTRATIVE RULES
(CONT.)
(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR

ADMINISTRATIVE RULES

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

176,866

179,500

179,500

TOTAL

1038,223

1120,305

ESTIMATED SOURCE OF FUNDS FOR

LEGISLATIVE SERVICES

GENERAL FUNDS

TOTAL

1038,223

1120,305

1038,223

1120,305

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
03 LEGISLATIVE BUDGET ASSISTANT
01 BUDGET DIVISION

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT

INSERT IN PLACE THEREOF

10 PERSONAL SERVICES - PERMANENT

STRIKE OUT

20 CURRENT EXPENSES

INSERT IN PLACE THEREOF

20 CURRENT EXPENSES

STRIKE OUT

30 EQUIPMENT NEW/REPLACEMENT

INSERT IN PLACE THEREOF

30 EQUIPMENT NEW/REPLACEMENT

STRIKE OUT

46 CONSULTANTS

INSERT IN PLACE THEREOF

46 CONSULTANTS

STRIKE OUT

50 PERSONAL SERVICE-TEMP/APPOINTEE

480,367

499,743

35,000

45,135

5,000

13,500

36,000

20,000

10,864

445,072

494,894

35,000

40,663

16,530

21,000

36,000

20,000

10,231

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

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(CONT.)
(CONT.)

01 GENERAL GOVERNMENT			
02 LEGISLATIVE BRANCH			
03 LEGISLATIVE BUDGET ASSISTANT			
01 BUDGET DIVISION			
INSERT IN PLACE THEREOF			
50 PERSONAL SERVICE - TEMP/APPOINTEE	9,880		10,286
STRIKE OUT			
60 BENEFITS	134,305		144,941
INSERT IN PLACE THEREOF			
60 BENEFITS	149,224		150,710
STRIKE OUT			
70 IN-STATE TRAVEL	7,000		1,000
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	1,000		1,000
STRIKE OUT			
80 OUT-OF STATE TRAVEL	5,000		5,000
INSERT IN PLACE THEREOF			
80 OUT-OF STATE TRAVEL	2,500		2,500
STRIKE OUT			
90 OTHER EXPENDITURES	6,000		6,500
INSERT IN PLACE THEREOF			
90 OTHER EXPENDITURES	4,500		4,500
STRIKE OUT			
91 DATA PROCESSING SERVICES	15,000		15,000
INSERT IN PLACE THEREOF			
91 DATA PROCESSING SERVICES	1,000		1,000
STRIKE OUT			
92 CONTINUING PROFESSIONAL EDUC	7,500		7,500
INSERT IN PLACE THEREOF			
92 CONTINUING PROFESSIONAL EDUC	1,000		1,000
STRIKE OUT			
93 CONFERENCE/DUES	5,000		525
TOTAL	745,661		749,374
ESTIMATED SOURCE OF FUNDS FOR			
BUDGET DIVISION			
STRIKE OUT			
GENERAL FUND	722,638		747,697
INSERT IN PLACE THEREOF			
GENERAL FUND	745,661		749,374
TOTAL	745,661		749,374

AMENDMENTS TO PAGE 10 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

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(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
03 LEGISLATIVE BUDGET ASSISTANT
02 AUDIT DIVISION

STRIKE OUT	887,765	973,520
10 PERSONAL SERVICES - PERMANENT		
INSERT IN PLACE THEREOF	1042,900	1069,832
10 PERSONAL SERVICES - PERMANENT		
STRIKE OUT	85,000	85,000
20 CURRENT EXPENSES		
INSERT IN PLACE THEREOF	90,000	90,000
20 CURRENT EXPENSES		
STRIKE OUT	28,000	19,000
30 EQUIPMENT NEW/REPLACEMENT		
INSERT IN PLACE THEREOF	15,000	15,000
30 EQUIPMENT NEW/REPLACEMENT		
STRIKE OUT	5,116	5,432
50 PERSONAL SERVICE-TEMP/APPOINTE		
INSERT IN PLACE THEREOF	500	500
50 PERSONAL SERVICE-TEMP/APPOINTE		
STRIKE OUT	266,721	292,472
60 BENEFITS		
INSERT IN PLACE THEREOF	190,000	190,000
60 BENEFITS		
STRIKE OUT	10,000	10,000
70 IN-STATE TRAVEL		
INSERT IN PLACE THEREOF	15,000	15,000
70 IN-STATE TRAVEL		
STRIKE OUT	20,000	20,000
80 OUT-OF STATE TRAVEL		
INSERT IN PLACE THEREOF	10,000	10,000
80 OUT-OF STATE TRAVEL		
STRIKE OUT	440,000	440,000
90 CONSULTANTS FEES		

F

AMENDMENTS TO	PAGE	11	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
01 GENERAL GOVERNMENT						
02 LEGISLATIVE BRANCH						
03 LEGISLATIVE BUDGET ASSISTANT						
02 AUDIT DIVISION						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
INSERT IN PLACE THEREOF						
90 CONSULTANTS FEES				600,000	600,000	
TOTAL				1998,400	2025,332	
ESTIMATED SOURCE OF FUNDS FOR						
AUDIT DIVISION						
STRIKE OUT						
06 AGENCY INCOME				240,000	240,000	
INSERT IN PLACE THEREOF						
06 AGENCY INCOME				250,000	250,000	
STRIKE OUT						
GENERAL FUND				1537,602	1640,424	
INSERT IN PLACE THEREOF				1748,400	1775,332	
GENERAL FUND				1998,400	2025,332	
TOTAL						
				2744,061	2774,706	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
LEGISLATIVE BUDGET ASSISTANT						
GENERAL FUNDS				2494,061	2524,706	
OTHER FUNDS				250,000	250,000	
TOTAL				2744,061	2774,706	
01 GENERAL GOVERNMENT						
02 LEGISLATIVE BRANCH						
04 GENERAL COURT INFORMATION SYS						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				131,213	139,331	
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				151,672	156,795	
STRIKE OUT						
20 CURRENT EXPENSES				14,300	15,300	
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES				14,300	15,500	

AMENDMENTS TO PAGE 12 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

01 GENERAL GOVERNMENT (CONT.)
02 LEGISLATIVE BRANCH (CONT.)
04 GENERAL COURT INFORMATION SYS (CONT.)

STRIKE OUT			
46 CONSULTANTS	6,000		6,000
INSERT IN PLACE THEREOF			
46 CONSULTANTS	2,000		2,000
STRIKE OUT			
50 PERSONAL SERVICE-TEMP/APPOINTE	3,581		3,802
STRIKE OUT			
60 BENEFITS	39,638		42,090
INSERT IN PLACE THEREOF			
60 BENEFITS	45,502		47,039
STRIKE OUT			
70 IN-STATE TRAVEL	2,500		2,500
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	500		500
STRIKE OUT			
91 COMPUTER SYSTEM EXPENDITURES	99,000		106,000
INSERT IN PLACE THEREOF			
91 COMPUTER SYSTEM EXPENDITURES	110,000		113,300
TOTAL		328,474	339,634
ESTIMATED SOURCE OF FUNDS FOR			
GENERAL COURT INFORMATION SYS			
STRIKE OUT			
GENERAL FUND	300,732		319,523
INSERT IN PLACE THEREOF			
GENERAL FUND	328,474		339,634
TOTAL		328,474	339,634
TOTAL		8340,007	9122,929
ESTIMATED SOURCE OF FUNDS FOR			
LEGISLATIVE BRANCH			
GENERAL FUNDS	8038,007		8820,929
OTHER FUNDS	302,000		302,000
TOTAL		8340,007	9122,929
01 GENERAL GOVERNMENT			
03 EXECUTIVE OFFICE			
01 OFFICE OF THE GOVERNOR			
01 OFFICE OF THE GOVERNOR			

STRIKE OUT 670,676 677,676
10 PERSONAL SERVICES - PERMANENT

AMENDMENTS TO HB25	PAGE	13	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
01 GENERAL GOVERNMENT 03 EXECUTIVE OFFICE 01 OFFICE OF THE GOVERNOR 01 OFFICE OF THE GOVERNOR (CONT.) (CONT.) (CONT.) (CONT.)						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				680,676		680,676
INSERT						
50 PERSONAL SERVICE-TEMP/APPOINTEE				3,000		3,000
STRIKE OUT						
60 BENEFITS				239,950		242,050
INSERT IN PLACE THEREOF						
60 BENEFITS				243,180		243,180
STRIKE OUT						
80 OUT-OF STATE TRAVEL				1,000		6,000
INSERT IN PLACE THEREOF						
80 OUT-OF STATE TRAVEL				5,000		10,000
INSERT						
93 EMERGENCY FUND				10,000		10,000
STRIKE OUT						
94 N E GOVERNORS CONFERENCE				34,920		57,917
INSERT IN PLACE THEREOF						
94 N E GOVERNORS CONFERENCE				69,920		92,911
INSERT						
95 OPERATING BUDGET CONTINGENT				23,000		33,000
TOTAL				1883,808		1961,999
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE GOVERNOR						
STRIKE OUT						
GENERAL FUND				1325,700		1402,997
INSERT IN PLACE THEREOF						
GENERAL FUND				1413,930		1492,121
TOTAL				1883,808		1961,999
01 GENERAL GOVERNMENT 03 EXECUTIVE OFFICE 01 OFFICE OF THE GOVERNOR 03 STATE PLANNING OFFICE 01 STATE PLANNING ADMINISTRATION						
STRIKE OUT						
92 REGIONAL PLANNING				170,000		170,000

AMENDMENTS TO PAGE 14 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

01 GENERAL GOVERNMENT (CONT.)
03 EXECUTIVE OFFICE (CONT.)
01 OFFICE OF THE GOVERNOR (CONT.)
03 STATE PLANNING OFFICE (CONT.)
01 STATE PLANNING ADMINISTRATION (CONT.)

INSERT IN PLACE THEREOF	236,600	238,600	
92 REGIONAL PLANNING			
STRIKE OUT			
95 OTHER EXPENDITURES	50,000	50,000	
INSERT IN PLACE THEREOF			
95 OTHER EXPENDITURES	50,000	50,000	

INSERT

* OF THIS AMOUNT, \$17,000 EACH FISCAL YEAR IS TO
BE USED TO FUND THE COMMISSION ON THE 21ST
CENTURY

TOTAL	1700,265	1707,845	
ESTIMATED SOURCE OF FUNDS FOR			
STATE PLANNING ADMINISTRATION			
STRIKE OUT			
GENERAL FUND	1633,665	1639,245	
INSERT IN PLACE THEREOF			
GENERAL FUND	1700,265	1707,845	
TOTAL	1700,265	1707,845	

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
01 OFFICE OF THE GOVERNOR
03 STATE PLANNING OFFICE
04 MUNICIPAL/REGIONAL ASSISTANCE

INSERT	67,046	67,046	
10 PERSONAL SERVICES - PERMANENT			
INSERT	14,007	14,029	
20 CURRENT EXPENSES			
INSERT	6,000	6,000	
22 RENTS&LEASES OTHER THAN STATE			
INSERT	7,257	10,000	
46 CONSULTANTS			
INSERT	9,000	5,000	
50 PERSONAL SERVICE-TEMP/APPOINTEE			

AMENDMENTS TO	PAGE	15	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
01 GENERAL GOVERNMENT						
03 EXECUTIVE OFFICE						
01 OFFICE OF THE GOVERNOR						
03 STATE PLANNING OFFICE						
04 MUNICIPAL/REGIONAL ASSISTANCE						
INSERT						
60 BENEFITS				20,803	20,497	
INSERT						
70 IN-STATE TRAVEL				800	800	
INSERT						
80 OUT-OF STATE TRAVEL				2,000	2,000	
INSERT						
90 CONTRACTUAL				6,500	6,000	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				133,413	131,372	
MUNICIPAL/REGIONAL ASSISTANCE						
INSERT GENERAL FUND						
TOTAL				133,413	131,372	
TOTAL				133,413	131,372	
ESTIMATED SOURCE OF FUNDS FOR				2249,856	2053,960	
STATE PLANNING OFFICE						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				1980,925	1985,029	
TOTAL				268,931	68,931	
ESTIMATED SOURCE OF FUNDS FOR				2249,856	2053,960	
OFFICE OF THE GOVERNOR						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				12764,132	12080,571	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				7898,247	7342,886	
OFFICE OF THE GOVERNOR				3798,076	3880,701	
FEDERAL FUNDS				1067,809	856,984	
GENERAL FUNDS				12764,132	12080,571	
OTHER FUNDS						
TOTAL						
01 GENERAL GOVERNMENT						
03 EXECUTIVE OFFICE						
04 HUMAN RESOURCES						
STRIKE OUT						
20 CURRENT EXPENSES				42,355	48,376	

AMENDMENTS TO	PAGE	17	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES						
01 OFFICE OF THE COMMISSIONER				(CONT.)		
03 FINANCIAL DATA MANAGEMENT				(CONT.)		
				(CONT.)		
INSERT IN PLACE THEREOF						
46 CONSULTANTS				350,000		370,000
INSERT						60,000
91 INVESTMENT MGMT SYS - TREASURY						
STRIKE OUT						
IN FY 1992, \$60,000 OF THIS APPROPRIATION WILL						
BE EXPENDED FOR THE TREASURY INVESTMENT						
MANAGEMENT SYSTEM.						
TOTAL				935,384		1048,232
ESTIMATED SOURCE OF FUNDS FOR						
FINANCIAL DATA MANAGEMENT						
STRIKE OUT						
GENERAL FUND				730,384		803,232
INSERT IN PLACE THEREOF						
GENERAL FUND				935,384		1048,232
TOTAL				935,384		1048,232
TOTAL					12773,668	13576,142
ESTIMATED SOURCE OF FUNDS FOR						
OFFICE OF THE COMMISSIONER						
GENERAL FUNDS					12773,668	13576,142
TOTAL					12773,668	13576,142
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
05 BUREAU OF GENERAL SERVICES						
03 TELECOMMUNICATIONS						
INSERT						
91 HELP-LINE FOR THE DISABLED				25,000		
INSERT						

AMENDMENTS TO	PAGE	18	05/24/91		FISCAL YEAR 1992	FISCAL YEAR 1993
HB25						
01 GENERAL GOVERNMENT				(CONT.)		
04 DEPT ADMINISTRATIVE SERVICES				(CONT.)		
05 DIVISION OF PLANT & PROPERTY				(CONT.)		
05 BUREAU OF GENERAL SERVICES				(CONT.)		
03 TELECOMMUNICATIONS				(CONT.)		
THESE FUNDS ARE TO BE USED TO CONTRACT FOR						
HELP-LINE SERVICES FOR THE DISABLED UNTIL SUCH						
TIME AS, PURSUANT TO THE AMERICANS WITH						
DISABILITIES ACT (PL 101-336), COMMON CARRIERS						
PROVIDE THIS SERVICE						
TOTAL					64,480	40,092
ESTIMATED SOURCE OF FUNDS FOR						
STRIKE OUT						
TELECOMMUNICATIONS						
GENERAL FUND					39,480	40,092
INSERT IN PLACE THEREOF					64,480	40,092
GENERAL FUND					64,480	40,092
TOTAL						
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
05 BUREAU OF GENERAL SERVICES						
06 HEALTH & HUMAN SVCS BLDG						
STRIKE OUT						
94 BUILDING USE ALLOWANCE				426,407		279,874
INSERT IN PLACE THEREOF						
94 BUILDING USE ALLOWANCE				436,791		434,931
TOTAL					2298,067	2362,842
ESTIMATED SOURCE OF FUNDS FOR						
HEALTH & HUMAN SVCS BLDG						
STRIKE OUT						
01 OTHER AGENCY FUNDS					2287,683	2207,785
INSERT IN PLACE THEREOF						
01 OTHER AGENCY FUNDS					2298,067	2362,842
TOTAL					2298,067	2362,842
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
05 BUREAU OF GENERAL SERVICES						
11 LONDERGAN HALL						
STRIKE OUT						
94 BUILDING USE ALLOWANCE				15,904		16,294

AMENDMENTS TO PAGE 19 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
04 DEPT ADMINISTRATIVE SERVICES
05 DIVISION OF PLANT & PROPERTY
05 BUREAU OF GENERAL SERVICES
11 LONDERGAN HALL

INSERT IN PLACE THEREOF
94 BUILDING USE ALLOWANCE

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
LONDERGAN HALL
STRIKE OUT
01 OTHER AGENCY FUNDS
INSERT IN PLACE THEREOF
01 OTHER AGENCY FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
BUREAU OF GENERAL SERVICES
GENERAL FUNDS
OTHER FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF PLANT & PROPERTY
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DEPT ADMINISTRATIVE SERVICES
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

01 GENERAL GOVERNMENT
06 LIBRARIES, ARTS, & HISTORIC RES
02 STATE LIBRARY
01 CENTRAL LIBRARY SERVICES

23,015
285,360

278,249
285,360
285,360
5838,201

1791,366
4046,835
5838,201

12339,158

197,859
6426,244
5713,055
12339,158
32620,245

197,859
24291,887
8130,499
32620,245

23,801
257,859

250,352
257,859
257,859
6009,367

1843,167
4166,200
6009,367

12845,320

197,859
6759,456
5888,005
12845,320
33453,081

197,859
25031,803
8223,419
33453,081

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT 367,064 371,304

AMENDMENTS TO	PAGE	20	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25					
01 GENERAL GOVERNMENT					
06 LIBRARIES, ARTS, & HISTORIC RES					
02 STATE LIBRARY					
01 CENTRAL LIBRARY SERVICES					
				(CONT.)	
				(CONT.)	
				(CONT.)	
				(CONT.)	
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			393,896	398,136	
STRIKE OUT					
60 BENEFITS			126,026	127,298	
INSERT IN PLACE THEREOF					
60 BENEFITS			134,076	135,348	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR			784,536		808,602
CENTRAL LIBRARY SERVICES					
STRIKE OUT					
GENERAL FUND			749,654		773,720
INSERT IN PLACE THEREOF					
GENERAL FUND			784,536		808,602
TOTAL			784,536		808,602
01 GENERAL GOVERNMENT					
06 LIBRARIES, ARTS, & HISTORIC RES					
02 STATE LIBRARY					
03 SPECIFIC GROUP SERVICES					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			551,786	556,911	
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			602,701	607,826	
STRIKE OUT					
60 BENEFITS			165,536	167,073	
INSERT IN PLACE THEREOF					
60 BENEFITS			180,810	182,348	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR			961,322		977,158
SPECIFIC GROUP SERVICES					
STRIKE OUT					
GENERAL FUND			895,133		910,968
INSERT IN PLACE THEREOF					
GENERAL FUND			961,322		977,158

AMENDMENTS TO PAGE 21 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
06 LIBRARIES, ARTS, & HISTORIC RES
02 STATE LIBRARY
03 SPECIFIC GROUP SERVICES

TOTAL	961,322	977,158	2694,378
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
STATE LIBRARY	2654,462		908,618
FEDERAL FUNDS			1785,760
GENERAL FUNDS	908,604		2694,378
TOTAL	1745,858		
	2654,462		

01 GENERAL GOVERNMENT
06 LIBRARIES, ARTS, & HISTORIC RES
04 DIV OF HISTORIC PRESERVATION
05 STATE CURATOR

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	532		1,470
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	31,588		33,030
STRIKE OUT			
60 BENEFITS	160		441
INSERT IN PLACE THEREOF			
60 BENEFITS	9,476		9,909

TOTAL	41,064	42,939
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ESTIMATED SOURCE OF FUNDS FOR

STATE CURATOR

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

TOTAL	595,421	599,875
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ESTIMATED SOURCE OF FUNDS FOR

DIV OF HISTORIC PRESERVATION

FEDERAL FUNDS

	376,232	378,593
--	---------	---------

AMENDMENTS TO PAGE 23 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

01 GENERAL GOVERNMENT
07 REVENUE ADMINISTRATION
01 COMMUNITY SERVICES
01 ADMINISTRATION
(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT * THIS APPROPRIATION IS FOR THE EXPENSE OF MOVING
DRA, INCLUDING RENT OF \$210,000 EACH YEAR
THE COMMISSIONER OF ADMINISTRATIVE SERVICES
SHALL DESIGNATE USE OF THE VACATED SPACE IN
ACCORDANCE WITH THE AUTHORITY FOR USE AND
ASSIGNMENT OF OFFICE SPACE GRANTED IN THIS ACT
TO INSURE MAXIMUM OFFSET OF THIS EXPENDITURE.

TOTAL	889,356	549,699
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION		
STRIKE OUT		
GENERAL FUND	547,032	549,699
INSERT IN PLACE THEREOF	889,356	549,699
GENERAL FUND	889,356	549,699
TOTAL		

01 GENERAL GOVERNMENT
07 REVENUE ADMINISTRATION
01 COMMUNITY SERVICES
03 PROPERTY APPRAISAL

INSERT	82,000	1202,459
30 EQUIPMENT NEW/REPLACEMENT		
TOTAL	1253,734	
ESTIMATED SOURCE OF FUNDS FOR		
PROPERTY APPRAISAL		
STRIKE OUT		
GENERAL FUND	464,952	462,285
INSERT IN PLACE THEREOF	546,952	462,285
GENERAL FUND	1253,734	1202,459
TOTAL		

AMENDMENTS TO	PAGE	24	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
01 GENERAL GOVERNMENT				(CONT.)		
07 REVENUE ADMINISTRATION				(CONT.)		
01 COMMUNITY SERVICES				(CONT.)		
03 PROPERTY APPRAISAL				(CONT.)		
TOTAL					2531,714	2144,680
ESTIMATED SOURCE OF FUNDS FOR						
COMMUNITY SERVICES						
GENERAL FUNDS					1824,932	1404,506
OTHER FUNDS					706,782	740,174
TOTAL					2531,714	2144,680
01 GENERAL GOVERNMENT						
07 REVENUE ADMINISTRATION						
03 REIMBURSEABLE TAXES						
01 LAND TAXES LOST						
INSERT						
93 REIMBURSEMENTS--ROCKINGHAM CNTY *				895		
INSERT						
* THIS APPROPRIATION IS FOR DISTRIBUTION TO ROCKINGHAM COUNTY, LAW TITLE 10, UNITED STATES CODE, SECTION 2665 TO BE USED FOR THE BENEFIT OF PUBLIC SCHOOLS AND/OR PUBLIC ROADS						
TOTAL				843,335		842,440
ESTIMATED SOURCE OF FUNDS FOR						
LAND TAXES LOST						
INSERT				895		
06 AGENCY INCOME				843,335		842,440
TOTAL					845,835	844,940
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
REIMBURSEABLE TAXES						
GENERAL FUNDS					844,940	844,940
OTHER FUNDS					895	844,940
TOTAL					845,835	844,940

AMENDMENTS TO PAGE 25 05/24/91
H825

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
07 REVENUE ADMINISTRATION
03 REIMBURSEABLE TAXES

TOTAL	8550,095	8193,015
ESTIMATED SOURCE OF FUNDS FOR		
REVENUE ADMINISTRATION		
GENERAL FUNDS	7842,418	7452,841
OTHER FUNDS	707,677	740,174
TOTAL	8550,095	8193,015

01 GENERAL GOVERNMENT
08 STATE TREASURY
01 ADMINISTRATION

STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT	257,048	263,400
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	259,503	265,879
STRIKE OUT		
60 BENEFITS	136,689	139,959
INSERT IN PLACE THEREOF		
60 BENEFITS	137,426	140,703

TOTAL	751,404	769,053
-------	---------	---------

ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION

STRIKE OUT

GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

TOTAL	688,212	705,830
GENERAL FUND	691,404	709,053
GENERAL FUND	751,404	769,053

01 GENERAL GOVERNMENT
08 STATE TREASURY
04 SPECIAL GENERAL FUND DISTRIB

STRIKE OUT		
43 DEBT SERVICE (TREASURY)	43219,209	45603,250

AMENDMENTS TO PAGE 26 05/24/91
HB25

- 01 GENERAL GOVERNMENT (CONT.)
08 STATE TREASURY (CONT.)
04 SPECIAL GENERAL FUND DISTRIB (CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

INSERT IN PLACE THEREOF			
43 DEBT SERVICE (TREASURY)	48680,498		57458,257
STRIKE OUT			
44 DEBT SERVICE (OTHER AGENCIES)	5900,000		5800,000
INSERT IN PLACE THEREOF			
44 DEBT SERVICE (OTHER AGENCIES)	5905,541		6202,496
STRIKE OUT			
96 STATE REVENUE SHARING	70,000		32749,780
INSERT IN PLACE THEREOF			
96 STATE REVENUE SHARING	36444,966		66444,966
TOTAL		91031,005	130105,719
ESTIMATED SOURCE OF FUNDS FOR			
SPECIAL GENERAL FUND DISTRIB			
STRIKE OUT			
GENERAL FUND	49189,209		85153,030
INSERT IN PLACE THEREOF			
GENERAL FUND	91031,005		130105,719
TOTAL		91031,005	130105,719
TOTAL		92050,988	131147,328
ESTIMATED SOURCE OF FUNDS FOR			
STATE TREASURY			
GENERAL FUNDS	91754,709		130847,072
OTHER FUNDS	236,279		300,256
TOTAL		92050,988	131147,328

01 GENERAL GOVERNMENT
09 BOARD OF TAX & LAND APPEALS
01 BOARD OF TAX & LAND APPEALS

STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT	190,038	191,114
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	245,731	249,107

AMENDMENTS TO PAGE 27 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

01 GENERAL GOVERNMENT (CONT.)
09 BOARD OF TAX & LAND APPEALS (CONT.)
01 BOARD OF TAX & LAND APPEALS (CONT.)

STRIKE OUT			
18 OVERTIME	1,200		1,200
INSERT IN PLACE THEREOF			
18 OVERTIME	1,235		1,333
STRIKE OUT			
20 CURRENT EXPENSES	15,000		15,000
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	27,500		29,775
STRIKE OUT			
22 RENTS&LEASES OTHER THAN STATE	1,600		1,600
INSERT IN PLACE THEREOF			
22 RENTS&LEASES OTHER THAN STATE	4,000		4,600
STRIKE OUT			
24 MAINT OTHER THAN BUILD. & GRNDS	1,000		1,000
INSERT IN PLACE THEREOF			
24 MAINT. OTHER THAN BUILD. & GRNDS	2,800		3,300
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	1,200		1,200
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT	19,712		7,800
STRIKE OUT			
45 PERSONNEL SERVICES/NON BENEFIT	5,000		5,000
INSERT IN PLACE THEREOF			
45 PERSONNEL SERVICES/NON BENEFIT	8,500		8,500
STRIKE OUT			
50 PERSONAL SERVICE-TEMP/APPOINTE	825		825
INSERT IN PLACE THEREOF			
50 PERSONAL SERVICE-TEMP/APPOINTE	1,125		1,125
STRIKE OUT			
60 BENEFITS			
INSERT IN PLACE THEREOF	108,640		110,299
60 BENEFITS	125,382		127,760
STRIKE OUT			
70 IN-STATE TRAVEL	11,500		11,500
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	17,800		17,800
STRIKE OUT			
80 OUT-OF STATE TRAVEL	1,800		1,800

AMENDMENTS TO PAGE 28 05/24/91
HB25

01 GENERAL GOVERNMENT
09 BOARD OF TAX & LAND APPEALS
01 BOARD OF TAX & LAND APPEALS

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF 80 OUT-OF STATE TRAVEL	2,600	2,600	
TOTAL			688,292
ESTIMATED SOURCE OF FUNDS FOR BOARD OF TAX & LAND APPEALS	688,998		
STRIKE OUT			
02 HIGHWAY FUNDS	228,135		230,021
INSERT IN PLACE THEREOF	275,600		275,350
02 HIGHWAY FUNDS	342,281		345,109
STRIKE OUT			
GENERAL FUND	413,398		412,942
INSERT IN PLACE THEREOF	688,998		688,292
GENERAL FUND	688,998		688,292
TOTAL			
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR BOARD OF TAX & LAND APPEALS	413,398		412,942
GENERAL FUNDS	275,600		275,350
OTHER FUNDS	688,998		688,292
TOTAL			
01 GENERAL GOVERNMENT			
10 NH RETIREMENT SYSTEM			
01 ADMINISTRATION			
STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	730,796		740,641
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	818,372		832,000
STRIKE OUT			
11 SALARY OF EXECUTIVE SECRETARY	50,030		50,030
INSERT IN PLACE THEREOF			
11 SALARY OF EXECUTIVE SECRETARY	56,668		56,668

01 GENERAL GOVERNMENT
10 NH RETIREMENT SYSTEM
01 ADMINISTRATION

(CONT.)
(CONT.)
(CONT.)

STRIKE OUT		
20 CURRENT EXPENSES	167,885	167,885
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	217,885	219,885
STRIKE OUT		
30 EQUIPMENT NEW/REPLACEMENT	6,365	6,365
INSERT IN PLACE THEREOF		
30 EQUIPMENT NEW/REPLACEMENT	26,115	17,865
STRIKE OUT		
45 PERSONNEL SERVICES/NON BENEFIT	345,223	345,223
INSERT IN PLACE THEREOF		
45 PERSONNEL SERVICES/NON BENEFIT	487,000	540,000
STRIKE OUT		
60 BENEFITS	247,369	250,971
INSERT IN PLACE THEREOF		
60 BENEFITS	275,633	280,370
STRIKE OUT		
70 IN-STATE TRAVEL	17,530	17,530
INSERT IN PLACE THEREOF		
70 IN-STATE TRAVEL	18,530	18,530
STRIKE OUT		
80 OUT-OF STATE TRAVEL	4,229	4,229
INSERT IN PLACE THEREOF		
80 OUT-OF STATE TRAVEL	15,000	20,000
INSERT		
90 GENERAL LEDGER SYSTEM	200,000	20,000
TOTAL	2406,633	2298,911
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION		
STRIKE OUT		
09 AGENCY INCOME	1860,857	1876,467
INSERT IN PLACE THEREOF		
09 AGENCY INCOME	2406,633	2298,911
TOTAL	2406,633	2298,911

01 GENERAL GOVERNMENT
10 NH RETIREMENT SYSTEM
02 STATE CONTRIBUTIONS

STRIKE OUT
91 NORMAL CONTRIBUTION

6571,456

7647,499

AMENDMENTS TO	PAGE	30	05/24/91		FISCAL YEAR 1992	FISCAL YEAR 1993
H825				(CONT.) (CONT.) (CONT.)		
01 GENERAL GOVERNMENT						
10 NH RETIREMENT SYSTEM						
02 STATE CONTRIBUTIONS						
INSERT IN PLACE THEREOF						
91 NORMAL CONTRIBUTION				6571,456	7647,499	
STRIKE OUT						
92 RETIREES HEALTH INSURANCE				6488,433	7093,276	
INSERT IN PLACE THEREOF						
92 RETIREES HEALTH INSURANCE				8060,541	8866,595	
INSERT						
IN THE EVENT THAT SUMS HEREBY APPROPRIATED FOR FISCAL YEAR 1993 ARE LESS THAN NECESSARY, THE GOVERNOR IS HEREBY AUTHORIZED TO DRAW HIS WARRANT FOR THE ADDITIONAL AMOUNT NECESSARY OUT OF ANY MONEY IN THE TREASURY NOT OTHERWISE APPROPRIATED.						
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE CONTRIBUTIONS				14631,997		16514,094
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF				13059,889	14740,775	
GENERAL FUND				14631,997	16514,094	
TOTAL				14631,997	16514,094	
TOTAL ESTIMATED SOURCE OF FUNDS FOR NH RETIREMENT SYSTEM				17038,630	18813,005	
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				14631,997	16514,094	
TOTAL ESTIMATED SOURCE OF FUNDS FOR GENERAL GOVERNMENT				2406,633	2298,911	
FEDERAL FUNDS				17038,630	18813,005	
GENERAL FUNDS						
TOTAL				198570,215	239902,836	
TOTAL ESTIMATED SOURCE OF FUNDS FOR GENERAL GOVERNMENT						
FEDERAL FUNDS				28842,772	28351,082	
GENERAL FUNDS				155668,889	197849,655	

AMENDMENTS TO
HB25

PAGE

31 05/24/91

----- FISCAL YEAR 1992 -----

----- FISCAL YEAR 1993 -----

(CONT.)

01 GENERAL GOVERNMENT

OTHER FUNDS
TOTAL

14058,554	13702,099
198570,215	239902,806

02 ADMIN OF JUSTICE & PUBLIC PRIN

01 JUDICIAL BRANCH
01 SUPREME COURT

STRIKE OUT

30 EQUIPMENT NEW/REPLACEMENT	1	1
INSERT IN PLACE THEREOF		
30 EQUIPMENT NEW/REPLACEMENT	23,150	1,000

TOTAL

ESTIMATED SOURCE OF FUNDS FOR	3470,994	3493,044
SUPREME COURT		

STRIKE OUT

GENERAL FUND	3447,845	3492,045
INSERT IN PLACE THEREOF		
GENERAL FUND	3470,994	3493,044
TOTAL	3470,994	3493,044

02 ADMIN OF JUSTICE & PUBLIC PRIN

01 JUDICIAL BRANCH
02 SUPERIOR COURT

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT	5617,099	5736,099
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	5714,465	5833,465

STRIKE OUT

11 JUDGES	2076,912	2076,912
INSERT IN PLACE THEREOF		
11 JUDGES	2242,286	2242,286

AMENDMENTS TO PAGE 32 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
02 SUPERIOR COURT

(CONT)
(CONT)
(CONT)

STRIKE OUT
24 MAINT OTHER THAN BUILD & GRNDS
INSERT IN PLACE THEREOF
24 MAINT OTHER THAN BUILD. & GRNDS
STRIKE OUT
30 EQUIPMENT NEW/REPLACEMENT
INSERT IN PLACE THEREOF
30 EQUIPMENT NEW/REPLACEMENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS
STRIKE OUT
96 WITNESS FEES & EXPENSES
STRIKE OUT
98 JURY FEES & EXPENSES
INSERT IN PLACE THEREOF
98 JURY FEES & EXPENSES

164,607
172,107
1
36,415
2342,285
2421,107
356,000
1140,650
1305,650

14297,487

14159,581

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

12811,780
12988,386
14297,487

12656,004
12850,480
14159,581

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
03 PROBATE COURT

STRIKE OUT
24 MAINT OTHER THAN BUILD. & GRNDS
INSERT IN PLACE THEREOF
24 MAINT OTHER THAN BUILD. & GRNDS

25,248
60,248

25,248
42,748

02 ADMIN OF JUSTICE & PUBLIC PRTN
01 JUDICIAL BRANCH
03 PROBATE COURT

(CONT.)
(CONT.)
(CONT.)

STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	1		
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT		8,090	2785,683
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
PROBATE COURT		2743,921	
STRIKE OUT			
GENERAL FUND		2661,242	2684,518
INSERT IN PLACE THEREOF		2698,745	2727,607
GENERAL FUND		2743,921	2785,683
TOTAL			

02 ADMIN OF JUSTICE & PUBLIC PRTN
01 JUDICIAL BRANCH
04 DISTRICT AND MUNICIPAL COURTS

STRIKE OUT			
24 MAINT. OTHER THAN BUILD & GRNDS	118,639		118,639
INSERT IN PLACE THEREOF			
24 MAINT. OTHER THAN BUILD. & GRNDS	168,639		218,639
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	1		1
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT	64,225		17,180
STRIKE OUT			
90 COURT COMPUTERIZATION	386,503		386,503
INSERT IN PLACE THEREOF			
90 COURT COMPUTER & DEBT SERVICE	386,503		386,503
STRIKE OUT			
93 WITNESS FEES & EXPENSES	1240,374		1240,374

INSERT **

AMENDMENTS TO PAGE 34 05/24/91
HB25

02 ADMIN OF JUSTICE & PUBLIC PRTN
01 JUDICIAL BRANCH
04 DISTRICT AND MUNICIPAL COURTS

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

INSERT INCLUDED IN THIS APPROPRIATION SHALL BE SUMS

INSERT SUFFICIENT TO AMORTIZE COURT COMPUTER AND

INSERT EQUIPMENT BOND INDEBTEDNESS

TOTAL	10879,564	11029,560
ESTIMATED SOURCE OF FUNDS FOR		
DISTRICT AND MUNICIPAL COURTS		
STRIKE OUT		
GENERAL FUND	10542,770	10702,169
INSERT IN PLACE THEREOF	9416,620	9578,974
GENERAL FUND	10879,564	11029,560
TOTAL		

02 ADMIN OF JUSTICE & PUBLIC PRTN
01 JUDICIAL BRANCH
05 STATE WIDE EXPENDITURES

STRIKE OUT		
91 CONTINUING EDUCATION	100,000	100,000
INSERT IN PLACE THEREOF		
91 CONTINUING EDUCATION	150,000	150,000

TOTAL	441,817	441,817
ESTIMATED SOURCE OF FUNDS FOR		
STATE WIDE EXPENDITURES		
STRIKE OUT		
GENERAL FUND	391,817	391,817
INSERT IN PLACE THEREOF	441,817	441,817
GENERAL FUND		

AMENDMENTS TO HB25	PAGE	35	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
02 ADMIN OF JUSTICE & PUBLIC PRIN 01 JUDICIAL BRANCH 05 STATE WIDE EXPENDITURES				(CONT.) (CONT.) (CONT.)		
TOTAL					441,817	441,817
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUDICIAL BRANCH GENERAL FUNDS OTHER FUNDS					33473,779	33843,205
TOTAL					30656,558 2817,221 33473,779	31025,442 2817,763 33843,205
02 ADMIN OF JUSTICE & PUBLIC PRIN 02 ADJUTANT GENERAL DEPARTMENT 01 NEW HAMPSHIRE NATIONAL GUARD 05 PEASE AIR FORCE BASE						
STRIKE OUT						
20 CURRENT EXPENSES				35,500		35,500
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES				55,500		55,500
STRIKE OUT						
23 HEAT, ELECTRICITY & WATER			D	398,106		408,106
INSERT IN PLACE THEREOF						
23 HEAT, ELECTRICITY & WATER			D	378,106		388,106
TOTAL					839,436	861,424
02 ADMIN OF JUSTICE & PUBLIC PRIN 02 ADJUTANT GENERAL DEPARTMENT 01 NEW HAMPSHIRE NATIONAL GUARD 08 ARMY NATIONAL GUARD TRAIN SITE						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				52,971		53,896
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				52,688		53,894
INSERT						
30 EQUIPMENT						650

AMENDMENTS PAGE 37 05/24/91
HB25

02 ADMIN OF JUSTICE & PUBLIC PRIN
03 AGRICULTURE
07 SOIL CONSERVATION

(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
20 CURRENT EXPENSES
INSERT
50 PERSONAL SERVICE-TEMP/APPOINTE
INSERT
60 BENEFITS
INSERT
95 CONSERVATION DISTRICT GRANTS

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SOIL CONSERVATION
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRIN
03 AGRICULTURE
08 DIV AGRICULTURAL DEVELOPMENT

INSERT
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES
INSERT
22 RENTS&LEASES OTHER THAN STATE
INSERT
23 HEAT, ELECTRICITY & WATER
INSERT
24 MAINT. OTHER THAN BUILD. & GRNDS
STRIKE OUT
60 BENEFITS

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

563	563	
16,092	16,092	
1,231	1,231	
16,500	16,500	
35,076		35,386
690		1,283
35,076		35,386
35,076		35,386

34,543	35,391
95,571	95,571
121,950	132,900
400	400
400	400
1,200	1,200
12,560	12,560

AMENDMENT'S TU PAGE 39 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
04 DEPARTMENT OF JUSTICE
01 DIVISION OF ADMINISTRATION
01 ADMINISTRATIVE

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL	2176,774	2179,238
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATIVE		
STRIKE OUT		
GENERAL FUND	580,400	582,864
INSERT IN PLACE THEREOF	2176,774	2179,238
GENERAL FUND	2176,774	2179,238
TOTAL		

02 ADMIN OF JUSTICE & PUBLIC PRIN
04 DEPARTMENT OF JUSTICE
01 DIVISION OF ADMINISTRATION
03 DRUG ADMINISTRATION

INSERT	3,400	
20 CURRENT EXPENSE		
INSERT	6,000	
30 EQUIPMENT		
INSERT	5,232	
41 AUDIT FUND SET ASIDE		
INSERT	559	
42 COLA		
INSERT	55,869	
59 PART-TIME - BENEFITTED		
INSERT	11,174	
60 BENEFITS		
INSERT	500	
70 IN-STATE TRAVEL		
INSERT	3,000	
80 OUT-OF STATE TRAVEL		
INSERT	45,066	
90 ADMINISTRATIVE		
TOTAL	130,800	
ESTIMATED SOURCE OF FUNDS FOR		
DRUG ADMINISTRATION		

AMENDMENTS TO	PAGE	40	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25					
02 ADMIN OF JUSTICE & PUBLIC PRTN					
04 DEPARTMENT OF JUSTICE					
01 DIVISION OF ADMINISTRATION					
03 DRUG ADMINISTRATION					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT FEDERAL FUNDS					
TOTAL				130,800	2262,766
				130,800	
TOTAL				2390,847	
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF ADMINISTRATION					
FEDERAL FUNDS				180,800	50,000
GENERAL FUNDS				2210,047	2212,766
TOTAL				2390,847	2262,766
02 ADMIN OF JUSTICE & PUBLIC PRTN					
04 DEPARTMENT OF JUSTICE					
02 DIVISION OF PUBLIC PROTECTION					
01 CRIMINAL JUSTICE					
STRIKE OUT					
13 ASSISTANT ATTORNEYS GENERAL			398,122		405,363
INSERT IN PLACE THEREOF					
13 ASSISTANT ATTORNEYS GENERAL			397,940		405,364
STRIKE OUT					
60 BENEFITS			124,369		126,452
INSERT IN PLACE THEREOF					
60 BENEFITS			124,314		126,452
TOTAL				785,333	796,726
ESTIMATED SOURCE OF FUNDS FOR					
CRIMINAL JUSTICE					
STRIKE OUT					
GENERAL FUND				670,936	682,091
INSERT IN PLACE THEREOF					
GENERAL FUND				670,699	682,092
TOTAL				785,333	796,726
02 ADMIN OF JUSTICE & PUBLIC PRTN					
04 DEPARTMENT OF JUSTICE					
02 DIVISION OF PUBLIC PROTECTION					
05 CHIEF MEDICAL EXAMINER					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			19,286		19,286

AMENDMENTS TO PAGE 41 05/24/91
HB25

02 ADMIN OF JUSTICE & PUBLIC PRIN
04 DEPARTMENT OF JUSTICE
02 DIVISION OF PUBLIC PROTECTION
05 CHIEF MEDICAL EXAMINER

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
INSERT
30 EQUIPMENT NEW/REPLACEMENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS
STRIKE OUT
80 OUT-OF STATE TRAVEL
INSERT IN PLACE THEREOF
80 OUT-OF STATE TRAVEL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

CHIEF MEDICAL EXAMINER
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRIN
04 DEPARTMENT OF JUSTICE
02 DIVISION OF PUBLIC PROTECTION
09 ASSET FORFEITURE UNIT

INSERT
20 CURRENT EXPENSE
INSERT
42 COLA
INSERT
59 PART-TIME - BENEFITTED
INSERT
60 BENEFITS
INSERT
70 IN-STATE TRAVEL

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

34,586	39,686
3,000	3,000
34,304	34,304
38,894	40,424
2,616	2,616
6,616	6,616
420,184	426,814
393,294	393,294
420,184	426,814
420,184	426,814

20,000
3,454
167,546
42,000
5,000

AMENDMENTS TO	PAGE	42	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
02 ADMIN OF JUSTICE & PUBLIC PRIN						
04 DEPARTMENT OF JUSTICE						
02 DIVISION OF PUBLIC PROTECTION						
09 ASSET FORFEITURE UNIT						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
INSERT						
80 OUT-OF STATE TRAVEL				2,000		
TOTAL					240,000	
ESTIMATED SOURCE OF FUNDS FOR						
ASSET FORFEITURE UNIT						
INSERT					240,000	
FEDERAL FUNDS					240,000	
TOTAL						
02 ADMIN OF JUSTICE & PUBLIC PRIN						
04 DEPARTMENT OF JUSTICE						
02 DIVISION OF PUBLIC PROTECTION						
10 DRUG TASK FORCE						
INSERT						
20 CURRENT EXPENSE				37,000		
INSERT						
42 COLA				804		
INSERT						
59 PART-TIME - BENEFITTED				42,305		
INSERT						
60 BENEFITS				11,061		
INSERT						
70 IN-STATE TRAVEL				40,000		
INSERT						
80 OUT-OF STATE TRAVEL				2,000		
INSERT						
90 CONFIDENTIAL FUNDS				40,000		
INSERT						
91 OVERTIME				46,830		
TOTAL					220,000	
ESTIMATED SOURCE OF FUNDS FOR						
DRUG TASK FORCE						
INSERT						
FEDERAL FUNDS					220,000	

AMENDMENTS TO	PAGE	43	05/24/91		FISCAL YEAR 1992	FISCAL YEAR 1993
HB25						
02 ADMIN OF JUSTICE & PUBLIC PRTN						
04 DEPARTMENT OF JUSTICE						
02 DIVISION OF PUBLIC PROTECTION						
10 DRUG TASK FORCE						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
TOTAL				220,000		3477,721
TOTAL				3894,850		271,547
ESTIMATED SOURCE OF FUNDS FOR						2345,770
DIVISION OF PUBLIC PROTECTION						860,404
FEDERAL FUNDS						3477,721
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
02 ADMIN OF JUSTICE & PUBLIC PRTN						
04 DEPARTMENT OF JUSTICE						
03 DIVISION OF LEGAL COUNSEL						
01 CIVIL LAW						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				208,971	208,971	
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				208,230	208,980	
STRIKE OUT						
13 ASSISTANT ATTORNEYS GENERAL				609,573	619,048	
INSERT IN PLACE THEREOF						
13 ASSISTANT ATTORNEYS GENERAL				612,761	624,543	
STRIKE OUT						
60 BENEFITS				183,034	184,374	
INSERT IN PLACE THEREOF						
60 BENEFITS				183,768	184,394	
TOTAL				1041,487		1054,645
ESTIMATED SOURCE OF FUNDS FOR						
CIVIL LAW						
STRIKE OUT						
GENERAL FUND				982,244	990,581	
INSERT IN PLACE THEREOF						
GENERAL FUND				985,425	996,105	
TOTAL				1041,487	1054,645	

02 ADMIN OF JUSTICE & PUBLIC PRTN
07 OFFICE OF EMERGENCY MANAGEMENT(CONT.)
(CONT.)ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF EMERGENCY MANAGEMENT
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL963,588 964,782
393,569 393,227
1774,932 1802,333
3132,089 3160,34202 ADMIN OF JUSTICE & PUBLIC PRTN
08 PARI-MUTUEL COMMISSION
01 PARI-MUTUEL COMMISSIONSTRIKE OUT
50 PERSONAL SERVICE-TEMP/APPOINTE **
INSERT IN PLACE THEREOF
50 PERSONAL SERVICE-TEMP/APPOINTE **
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS266,593 266,593
271,293 271,293
232,651 232,651
233,011 233,011TOTAL
ESTIMATED SOURCE OF FUNDS FOR
PARI-MUTUEL COMMISSION

1314,898 1314,898

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL1309,838 1309,838
1314,898 1314,898
1314,898 1314,89802 ADMIN OF JUSTICE & PUBLIC PRTN
08 PARI-MUTUEL COMMISSION
02 RACING LABORATORYSTRIKE OUT
20 CURRENT EXPENSES

25,794 27,257

AMENDMENTS TO	PAGE	46	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
02 ADMIN OF JUSTICE & PUBLIC PRTN 08 PARI-MUTUEL COMMISSION 02 RACING LABORATORY				(CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF 20 CURRENT EXPENSES					29,349	400,111
TOTAL					390,550	
ESTIMATED SOURCE OF FUNDS FOR RACING LABORATORY						
STRIKE OUT					388,458	398,019
09 AGENCY INCOME					390,550	400,111
INSERT					390,550	400,111
GENERAL FUND						
TOTAL						
STRIKE OUT AFTER SOURCE OF FUNDS						
EXPENSES OF THE RACING LABORATORY SHALL BE REIMBURSED TO THE STATE ON A PRO RATA SHARE BASED ON THE NUMBER OF SAMPLES ANALYZED FOR EACH LICENSEE ON A MONTHLY BASIS. PAYMENTS SHALL BE MADE WITHIN 10 CALENDAR DAYS AFTER RECEIPT OF A BILLING FROM THE PARI-MUTUEL COMMISSION						
TOTAL					1705,448	1715,009
ESTIMATED SOURCE OF FUNDS FOR PARI-MUTUEL COMMISSION						
GENERAL FUNDS					1705,448	1715,009
TOTAL					1705,448	1715,009
02 ADMIN OF JUSTICE & PUBLIC PRTN 11 INSURANCE DEPARTMENT 01 ADMINISTRATION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT					710,360	719,821

02 ADMIN OF JUSTICE & PUBLIC PRTN
11 INSURANCE DEPARTMENT
01 ADMINISTRATION

(CONT. 1
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
15 PERSONAL SERVICES - UNCLASSIFIED
STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES
STRIKE OUT
22 RENTALS & LEASES OTHER THAN STATE
INSERT IN PLACE THEREOF
22 RENTALS & LEASES OTHER THAN STATE
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS
STRIKE OUT
70 IN-STATE TRAVEL
INSERT IN PLACE THEREOF
70 IN-STATE TRAVEL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION

STRIKE OUT
09 AGENCY INCOME
INSERT IN PLACE THEREOF
09 AGENCY INCOME
TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRTN
11 INSURANCE DEPARTMENT
02 EXAMINATION DIVISION

STRIKE OUT
91 CONTRACT EXAMINERS BENEFITS

620,298
265,455
82,279
67,523
86,151
58,471
364,100
257,444
3,229
3,229

1362,136

1866,745
1362,136
1362,136

1328,013

1855,746
1328,013
1328,013

26,125

21,350

AMENDMENTS TO PAGE 48 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

02 ADMIN OF JUSTICE & PUBLIC PRTN
11 INSURANCE DEPARTMENT
02 EXAMINATION DIVISION
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
91 CONTRACT EXAMINERS BENEFITS

29,350 34,125
1034,004 1039,279

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EXAMINATION DIVISION

STRIKE OUT 1031,279

09 AGENCY INCOME
INSERT IN PLACE THEREOF

1034,004 1039,279
1034,004 1039,279

09 AGENCY INCOME
TOTAL

2396,140 2367,292

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
INSURANCE DEPARTMENT
OTHER FUNDS

2396,140 2367,292
2396,140 2367,292

TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRTN
12 DEPARTMENT OF LABOR
02 INSPECTION DIVISION

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT

342,990 351,146

INSERT IN PLACE THEREOF

414,376 423,132

10 PERSONAL SERVICES - PERMANENT
STRIKE OUT

103,103 105,550

60 BENEFITS
INSERT IN PLACE THEREOF

124,519 127,146

60 BENEFITS
STRIKE OUT

17,600 18,369

70 IN-STATE TRAVEL
INSERT IN PLACE THEREOF

24,798 24,787

70 IN-STATE TRAVEL
TOTAL

614,635 635,227

02 ADMIN OF JUSTICE & PUBLIC PRTN
12 DEPARTMENT OF LABOR
02 INSPECTION DIVISION

(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR

STRIKE OUT
INSPECTION DIVISION

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

514,635
614,635
614,635

535,227
635,227
635,227

02 ADMIN OF JUSTICE & PUBLIC PRTN
12 DEPARTMENT OF LABOR
03 WORKER'S COMPENSATION

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
INSERT
59 PART-TIME - BENEFITTED
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

978,111
962,377
18,918
299,095
300,050

999,206
982,848
19,668
305,424
306,416

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
WORKER'S COMPENSATION

2153,084

2116,862

STRIKE OUT

09 AGENCY INCOME

INSERT IN PLACE THEREOF

09 AGENCY INCOME

TOTAL

2148,945
2153,084
2153,084

2112,560
2116,862
2116,862

02 ADMIN OF JUSTICE & PUBLIC PRTN
12 DEPARTMENT OF LABOR
04 APPRENTICESHIP

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT

30,440

30,440

AMENDMENTS TO PAGE 50 05/24/91
HB25

02 ADMIN OF JUSTICE & PUBLIC PRIN
12 DEPARTMENT OF LABOR
04 APPRENTICESHIP

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT

46,798

STRIKE OUT

39 PART-TIME - BENEFITTED

19,668

STRIKE OUT

60 BENEFITS

14,807

INSERT IN PLACE THEREOF

15,032

60 BENEFITS

13,852

14,039

TOTAL

68,447

69,353

ESTIMATED SOURCE OF FUNDS FOR

APPRENTICESHIP

STRIKE OUT

GENERAL FUND

72,586

73,656

INSERT IN PLACE THEREOF

68,447

69,353

GENERAL FUND

68,447

69,353

TOTAL

3254,702

3251,556

ESTIMATED SOURCE OF FUNDS FOR

DEPARTMENT OF LABOR

FEDERAL FUNDS

GENERAL FUNDS

OTHER FUNDS

TOTAL

209,227

211,544

745,875

770,151

2299,600

2299,861

3254,702

3251,556

02 ADMIN OF JUSTICE & PUBLIC PRIN
13 LIQUOR COMMISSION
04 STORES DIVISION

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT

5246,302

INSERT IN PLACE THEREOF

10 PERSONAL SERVICES - PERMANENT

5325,718

STRIKE OUT

19 HOLIDAY PAY

154,500

158,250

AMENDMENTS TO PAGE 51 05/24/91
HB2502 ADMIN OF JUSTICE & PUBLIC PRIN
13 LIQUOR COMMISSION
04 STORES DIVISION(CONT.)
(CONT.)
(CONT.)INSERT IN PLACE THEREOF
19 HOLIDAY PAY

STRIKE OUT

20 CURRENT EXPENSES

INSERT IN PLACE THEREOF

20 CURRENT EXPENSES

STRIKE OUT

22 RENTS&LEASES OTHER THAN STATE

INSERT IN PLACE THEREOF

22 RENTS&LEASES OTHER THAN STATE

STRIKE OUT

23 HEAT, ELECTRICITY & WATER

INSERT IN PLACE THEREOF

23 HEAT, ELECTRICITY & WATER

STRIKE OUT

30 EQUIPMENT NEW/REPLACEMENT

INSERT IN PLACE THEREOF

30 EQUIPMENT NEW/REPLACEMENT

STRIKE OUT

50 PERSONAL SERVICE-TEMP/APPOINTE

INSERT IN PLACE THEREOF

50 PERSONAL SERVICE-TEMP/APPOINTE

STRIKE OUT

60 BENEFITS

INSERT IN PLACE THEREOF

60 BENEFITS

STRIKE OUT

70 IN-STATE TRAVEL

INSERT IN PLACE THEREOF

70 IN-STATE TRAVEL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

STORES DIVISION

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

168,250

164,500

168,250

1139,200

1078,368

1139,200

1170,530

1110,598

1170,530

1164,980

1164,980

1164,980

1202,980

1202,980

1202,980

467,260

448,720

467,260

473,260

454,720

473,260

143,820

143,820

143,820

143,820

243,820

143,820

2325,849

2249,489

2325,849

2340,849

2264,489

2340,849

1924,483

1902,739

1924,483

1952,456

1929,775

1952,456

48,591

48,560

48,591

48,991

48,960

48,991

13823,179

13664,032

13615,060

13359,070

13823,179

13664,032

AMENDMENTS TO PAGE 52 05/24/91
HB25

02 ADMIN OF JUSTICE & PUBLIC PRIN
13 LIQUOR COMMISSION
04 STORES DIVISION

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

TOTAL	13664,032	13823,179
02 ADMIN OF JUSTICE & PUBLIC PRIN		
13 LIQUOR COMMISSION		
07 MARKETING & MERCHANDISING DIV		
02 ADVERTISING		
STRIKE OUT		
20 CURRENT EXPENSES	150,000	150,000
INSERT IN PLACE THEREOF	589,544	605,629
20 CURRENT EXPENSES		
TOTAL	589,544	605,629
ESTIMATED SOURCE OF FUNDS FOR		
ADVERTISING		
STRIKE OUT		
GENERAL FUND	150,000	150,000
INSERT IN PLACE THEREOF	589,544	605,629
GENERAL FUND	589,544	605,629
TOTAL		
TOTAL	944,527	965,398
ESTIMATED SOURCE OF FUNDS FOR		
MARKETING & MERCHANDISING DIV		
GENERAL FUNDS		
TOTAL		
TOTAL	944,527	965,398
ESTIMATED SOURCE OF FUNDS FOR		
LIQUOR COMMISSION		
GENERAL FUNDS		
TOTAL	19187,599	19440,215
02 ADMIN OF JUSTICE & PUBLIC PRIN		
14 PUBLIC UTILITIES COMMISSION		
01 OFFICE OF THE COMMISSIONER		
TOTAL	19187,599	19440,215
TOTAL	19187,599	19440,215

STRIKE OUT
11 SALARIES THREE COMMISSIONERS

213,024

213,024

AMENDMENTS TO HB25	PAGE	53	05/24/91			----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
02 ADMIN OF JUSTICE & PUBLIC PRIN 14 PUBLIC UTILITIES COMMISSION 01 OFFICE OF THE COMMISSIONER				(CONT.) (CONT.) (CONT.)			
INSERT IN PLACE THEREOF							
11 SALARIES THREE COMMISSIONERS					213,224		213,224
STRIKE OUT							
60 BENEFITS					694,491		705,810
INSERT IN PLACE THEREOF							
60 BENEFITS					694,551		705,870
TOTAL						4050,912	3918,522
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER							
STRIKE OUT							
09 AGENCY INCOME						4050,652	3918,262
INSERT IN PLACE THEREOF							
09 AGENCY INCOME						4050,912	3918,522
TOTAL						4050,912	3918,522
TOTAL						4484,787	4344,159
ESTIMATED SOURCE OF FUNDS FOR PUBLIC UTILITIES COMMISSION FEDERAL FUNDS OTHER FUNDS							
TOTAL						51,602	46,276
						4433,185	4297,883
						4484,787	4344,159
02 ADMIN OF JUSTICE & PUBLIC PRIN 15 DEPARTMENT OF SAFETY 03 DIVISION OF MOTOR VEHICLE 01 DRIVER LICENSING							
INSERT							
90 ON-LINE IMAGING						405,000	
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR DRIVER LICENSING							
STRIKE OUT							
02 HIGHWAY FUNDS							
						1949,639	1980,181
						1559,639	1575,181

AMENDMENTS TO PAGE 54 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
03 DIVISION OF MOTOR VEHICLE
01 DRIVER LICENSING

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
02 HIGHWAY FUNDS
TOTAL

1949,639
1949,639

1980,181
1980,181

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF MOTOR VEHICLE
OTHER FUNDS
TOTAL

8407,584

8098,020

02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
05 DIVISION OF STATE POLICE
11 UCR SYSTEM

8407,584
8407,584

8098,020
8098,020

INSERT
20 CURRENT EXPENSES

22,304

24,361

INSERT
30 EQUIPMENT NEW/REPLACEMENT

40,600

INSERT
40 INDIRECT COSTS

23,689

12,693

INSERT
41 AUDIT FUND SET ASIDE

261

140

INSERT
59 PART-TIME - BENEFITTED

28,896

28,896

INSERT
60 BENEFITS

8,669

8,669

INSERT
90 OTHER EXPENDITURES

31,440

30,000

INSERT
91 LOCAL AGENCIES

60,000

35,000

INSERT
92 TRAINING-UCR SYSTEM

45,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UCR SYSTEM

260,859

139,759

AMENDMENTS TO	PAGE	55	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
02 ADMIN OF JUSTICE & PUBLIC PRIN					
15 DEPARTMENT OF SAFETY					
05 DIVISION OF STATE POLICE					
11 UCR SYSTEM					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT FEDERAL FUNDS					
TOTAL				139,759	139,759
TOTAL				260,859	260,859
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF STATE POLICE				19818,749	19839,315
FEDERAL FUNDS					
GENERAL FUNDS				260,859	139,759
OTHER FUNDS				1013,618	1026,288
TOTAL				18544,272	18773,268
TOTAL				19818,749	19939,315
TOTAL				41859,282	42118,309
ESTIMATED SOURCE OF FUNDS FOR					
DEPARTMENT OF SAFETY					
FEDERAL FUNDS				535,981	415,124
GENERAL FUNDS				3606,273	3642,188
OTHER FUNDS				37717,028	38060,997
TOTAL				41859,282	42118,309
02 ADMIN OF JUSTICE & PUBLIC PRIN					
16 DEPARTMENT OF CORRECTIONS					
01 OFFICE OF COMMISSIONER					
01 ADMINISTRATION					
INSERT					
80 OUT-OF STATE TRAVEL				20,000	20,000
TOTAL				525,590	528,964
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
STRIKE OUT					
GENERAL FUND				505,590	508,964
INSERT IN PLACE THEREOF				525,590	528,964
GENERAL FUND				525,590	528,964
TOTAL					

AMENDMENTS TO PAGE 56 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
16 DEPARTMENT OF CORRECTIONS
01 OFFICE OF COMMISSIONER
01 ADMINISTRATION

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL	673,220	672,896
ESTIMATED SOURCE OF FUNDS FOR		
OFFICE OF COMMISSIONER		
GENERAL FUNDS		
TOTAL	673,220	672,896
	673,220	672,896
TOTAL	34820,305	35537,435
ESTIMATED SOURCE OF FUNDS FOR		
DEPARTMENT OF CORRECTIONS		
GENERAL FUNDS		
OTHER FUNDS		
TOTAL	34393,787	35106,917
	426,518	430,518
	34820,305	35537,435

02 ADMIN OF JUSTICE & PUBLIC PRIN
19 HUMAN RIGHTS COMMISSION
01 ENFORCEMENT

STRIKE OUT	180,187	180,324
10 PERSONAL SERVICES - PERMANENT		
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	204,855	206,084
STRIKE OUT		
20 CURRENT EXPENSES	13,051	12,416
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	15,301	14,616
INSERT		
30 EQUIPMENT	1,250	750
STRIKE OUT		
60 BENEFITS	54,056	54,097
INSERT IN PLACE THEREOF		
60 BENEFITS	61,456	61,825
STRIKE OUT		
70 IN-STATE TRAVEL	657	700
INSERT IN PLACE THEREOF		
70 IN-STATE TRAVEL	807	850

AMENDMENTS TO PAGE 57 05/24/91
HB2502 ADMIN OF JUSTICE & PUBLIC PRIN
19 HUMAN RIGHTS COMMISSION
01 ENFORCEMENT(CONT.)
(CONT.)
(CONT.)STRIKE OUT
80 OUT-OF STATE TRAVEL
INSERT IN PLACE THEREOF
80 OUT-OF STATE TRAVEL10
110

319,769

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ENFORCEMENT

318,808

STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF
FEDERAL FUNDS

55,000

55,000

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

66,000

66,000

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

227,990

228,081

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

252,808

253,769

318,808

319,769

TOTAL

318,808

319,769

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
HUMAN RIGHTS COMMISSION
FEDERAL FUNDS
GENERAL FUNDS

66,000

66,000

252,808

253,769

318,808

319,769

TOTAL

178669,991

180107,593

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMIN OF JUSTICE & PUBLIC PRIN
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

21934,461

21601,047

100078,100

101642,164

56657,430

56864,382

178669,991

180107,593

TOTAL

178669,991

180107,593

03 RESOURCE PROTECT'N & DEVELOP'T
01 FISH AND GAME DEPARTMENT
01 ADMINISTRATION AND SUPPORT
03 BUSINESS MANAGEMENT

STRIKE OUT

96 HOSPITALIZATION GRP LIFE INS

200,000

210,000

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 58 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T
01 FISH AND GAME DEPARTMENT
01 ADMINISTRATION AND SUPPORT
03 BUSINESS MANAGEMENT
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
96 HOSPITALIZATION GRP LIFE INS

TOTAL	320,000	1176,106	320,000	1181,494
ESTIMATED SOURCE OF FUNDS FOR				
BUSINESS MANAGEMENT				
STRIKE OUT				
FISH AND GAME FUND		1056,106		1071,494
INSERT IN PLACE THEREOF		1176,106		1181,494
FISH AND GAME FUND		1176,106		1181,494
TOTAL				

TOTAL	3682,228		3630,075
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATION AND SUPPORT			
FEDERAL FUNDS	990,763		978,742
FISH AND GAME	2409,625		2369,493
OTHER FUNDS	281,840		281,840
TOTAL	3682,228		3630,075

03 RESOURCE PROTECT'N & DEVELOP'T
01 FISH AND GAME DEPARTMENT
02 WILDLIFE RESOURCES DIVISION
02 MANAGEMENT & RESEARCH
01 WILDLIFE MANAGEMENT

INSERT
98 HABITAT IMPROVEMENT G

TOTAL	23,000	416,503	23,000	418,406
ESTIMATED SOURCE OF FUNDS FOR				
WILDLIFE MANAGEMENT				
STRIKE OUT				
07 AGENCY INCOME		72,000		72,000
INSERT IN PLACE THEREOF		95,000		95,000
07 AGENCY INCOME		416,503		418,406
TOTAL				

AMENDMENTS . . . PAGE 59 05/24/91
HB25

03 RESOURCE PROTECT'N & DEVELOP'T
01 FISH AND GAME DEPARTMENT
02 WILDLIFE RESOURCES DIVISION
02 MANAGEMENT & RESEARCH
01 WILDLIFE MANAGEMENT

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
MANAGEMENT & RESEARCH
FEDERAL FUNDS
FISH AND GAME
OTHER FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
WILDLIFE RESOURCES DIVISION
FEDERAL FUNDS
FISH AND GAME
OTHER FUNDS
TOTAL

03 RESOURCE PROTECT'N & DEVELOP'T
01 FISH AND GAME DEPARTMENT
04 REGIONAL OFFICES
04 REGION IV KEENE

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES
INSERT
30 EQUIPMENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

454,887	456,790	726,282
182,384	182,384	290,420
171,503	173,406	226,829
101,000	101,000	209,033
454,887	456,790	726,282
724,062		
290,292		
224,866		
208,904		
724,062		

61,358	61,558
77,836	78,718
6,900	6,900
8,700	8,700
2,000	
18,407	18,467
23,350	23,615

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 60 05/24/91
HB25

03 RESOURCE PROTECT'N & DEVELOP'T
01 FISH AND GAME DEPARTMENT
04 REGIONAL OFFICES
04 REGION IV KEENE

(CONT.)
(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

INSERT
70 IN-STATE TRAVEL

TOTAL	2,600	2,600
ESTIMATED SOURCE OF FUNDS FOR		
REGION IV KEENE	116,799	115,946
STRIKE OUT		
FISH AND GAME FUND	44,978	45,238
INSERT IN PLACE THEREOF	72,799	71,946
FISH AND GAME FUND	116,799	115,946
TOTAL		

TOTAL	1035,213	1037,434
ESTIMATED SOURCE OF FUNDS FOR		
REGIONAL OFFICES		
FEDERAL FUNDS	637,000	639,000
FISH AND GAME	310,847	311,068
OTHER FUNDS	87,366	87,366
TOTAL	1035,213	1037,434

TOTAL	11243,078	11249,925
ESTIMATED SOURCE OF FUNDS FOR		
FISH AND GAME DEPARTMENT		
FEDERAL FUNDS	2277,463	2267,570
FISH AND GAME	6745,830	6762,441
OTHER FUNDS	2219,785	2219,914
TOTAL	11243,078	11249,925

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
02 DIVISION OF ECONOMIC DEVELOPMT
01 ECONOMIC DEVELOPMENT ADMIN

INSERT
91 PROFESSIONAL BUS ASSISTANCE
STRIKE OUT
92 CONTRACT/SMALL BUSINESS DEV.

50,000	50,000
100,000	100,000

AMENDMENTS	PAGE	DATE	FISCAL YEAR 1992	FISCAL YEAR 1993
HB25	61	05/24/91		
(CONT.)				
(CONT.)				
(CONT.)				
(CONT.)				
03 RESOURCE PROTECT'N & DEVELOP'T				
03 RESOURCES & ECONOMIC DEVELOP'T				
02 DIVISION OF ECONOMIC DEVELOPMT				
01 ECONOMIC DEVELOPMENT ADMIN				
INSERT IN PLACE THEREOF				
92 CONTRACT/SMALL BUSINESS DEV.		125,000	140,000	
TOTAL				422,898
ESTIMATED SOURCE OF FUNDS FOR				
ECONOMIC DEVELOPMENT ADMIN				
INSERT		407,882		
09 AGENCY INCOME				
STRIKE OUT		125,000		140,000
GENERAL FUND				
INSERT IN PLACE THEREOF		332,882		332,898
GENERAL FUND				
TOTAL		282,882		282,898
		407,882		422,898
03 RESOURCE PROTECT'N & DEVELOP'T				
03 RESOURCES & ECONOMIC DEVELOP'T				
02 DIVISION OF ECONOMIC DEVELOPMT				
02 BUSINESS & INDUSTRIAL DEVELOPMENT				
INSERT				
10 PERSONAL SERVICES - PERMANENT		395,563	401,175	
INSERT				
20 CURRENT EXPENSES		48,000	40,817	
INSERT				
30 EQUIPMENT NEW/REPLACEMENT		17,900	17,900	
INSERT				
50 PERSONAL SERVICE-TEMP/APPOINTEE		5,000	5,000	
INSERT				
60 BENEFITS		119,052	120,735	
INSERT				
70 IN-STATE TRAVEL		10,000	10,000	
INSERT				
80 OUT-OF STATE TRAVEL		30,000	30,000	
INSERT				
90 PRINTING, BINDING AND ADV		204,963	204,963	
INSERT				
91 FOREIGN BUSINESS DEVELOPMENT		60,000	60,000	

AMENDMENTS TO	PAGE	62	05/24/91			FISCAL YEAR 1992	FISCAL YEAR 1993
HB25							
03 RESOURCE PROTECT'N & DEVELOP'T				(CONT.)			
03 RESOURCES & ECONOMIC DEVELOP'T				(CONT.)			
02 DIVISION OF ECONOMIC DEVELOPMT				(CONT.)			
02 BUSINESS & INDUSTRIAL DEVELOPMENT				(CONT.)			
STRIKE OUT					350,000	350,000	
92 OTHER EXPENDITURES							
TOTAL					890,478		890,590
ESTIMATED SOURCE OF FUNDS FOR							
BUSINESS & INDUSTRIAL DEVELOPMENT							
STRIKE OUT							
GENERAL FUND					350,000		350,000
INSERT IN PLACE THEREOF					890,478		890,590
GENERAL FUND					890,478		890,590
TOTAL							
03 RESOURCE PROTECT'N & DEVELOP'T							
03 RESOURCES & ECONOMIC DEVELOP'T							
02 DIVISION OF ECONOMIC DEVELOPMT							
03 TRAVEL & TOURISM DEVELOPMENT							
STRIKE OUT					1471,662	1469,931	
90 PRINTING ADV BRANCH OFFICE							
INSERT IN PLACE THEREOF					1771,662	1769,931	
90 PRINTING ADV AND PROMOTION							
STRIKE OUT							
93 JOINT PROMOTIONAL ADVERTISING					350,000	350,000	
INSERT IN PLACE THEREOF					700,000	700,000	
93 JOINT PROMOTIONAL ADVERTISING							
INSERT							
* AN AMOUNT NOT EXCEEDING 20 % OF THE TOTAL APPROPRIATION MAY BE TRANSFERRED TO PRINTING AND ADVERTISING WITH THE APPROVAL OF THE FISCAL COMMITTEE AND GOVERNOR AND COUNCIL.							
TOTAL					2691,215		2691,282
ESTIMATED SOURCE OF FUNDS FOR							
TRAVEL & TOURISM DEVELOPMENT							

AMENDMENTS HB25	PAGE	63	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
03 RESOURCE PROTECT'N & DEVELOP'T				2041,282	
03 RESOURCES & ECONOMIC DEVELOP'T				2691,282	
02 DIVISION OF ECONOMIC DEVELOPMT				2691,282	
03 TRAVEL & TOURISM DEVELOPMENT					
STRIKE OUT					
GENERAL FUND			2041,215		
INSERT IN PLACE THEREOF			2691,215		
GENERAL FUND			2691,215		
TOTAL					4004,770
TOTAL			3989,575		
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF ECONOMIC DEVELOPMT					
GENERAL FUNDS			3864,575		3864,770
OTHER FUNDS			125,000		140,000
TOTAL			3989,575		4004,770
03 RESOURCE PROTECT'N & DEVELOP'T					
03 RESOURCES & ECONOMIC DEVELOP'T					
03 DIVISION OF FORESTS AND LAND					
01 FORESTRY ADMINISTRATION					
INSERT					
90 AMERICA THE BEAUTIFUL PRGM			50,000	50,000	
TOTAL			260,041	260,041	
ESTIMATED SOURCE OF FUNDS FOR					
FORESTRY ADMINISTRATION					
INSERT FEDERAL FUNDS			50,000	50,000	
TOTAL			260,041	260,041	
03 RESOURCE PROTECT'N & DEVELOP'T					
03 RESOURCES & ECONOMIC DEVELOP'T					
03 DIVISION OF FORESTS AND LAND					
02 FOREST PROTECTION BUREAU					
03 FOREST HEALTH MONITORING					
INSERT					
20 CURRENT EXPENSES			1,400	1,400	

AMENDMENTS TO PAGE 64 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
03 DIVISION OF FORESTS AND LAND
02 FOREST PROTECTION BUREAU
03 FOREST HEALTH MONITORING

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT 40 INDIRECT COSTS

7,015

7,015

INSERT 41 AUDIT FUND SET ASIDE

50

50

INSERT 50 PERSONAL SERVICE-TEMP/APPOINTEE

4,553

4,554

INSERT 59 PART-TIME - BENEFITTED

20,572

21,404

INSERT 60 BENEFITS

6,520

6,769

INSERT 70 IN-STATE TRAVEL

7,500

7,500

INSERT 90 TRAINING

2,390

1,308

TOTAL

50,000

50,000

ESTIMATED SOURCE OF FUNDS FOR
FOREST HEALTH MONITORING

INSERT FEDERAL FUNDS

50,000

50,000

TOTAL

50,000

50,000

TOTAL ESTIMATED SOURCE OF FUNDS FOR
FOREST PROTECTION BUREAU

FEDERAL FUNDS

994,927

996,324

GENERAL FUNDS

171,347

172,683

823,580

823,641

TOTAL

994,927

996,324

2299,804

2296,855

TOTAL ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF FORESTS AND LAND

FEDERAL FUNDS

336,531

339,338

GENERAL FUNDS

1619,299

1619,380

OTHER FUNDS

341,025

341,085

TOTAL

2296,855

2299,804

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
04 DIVISION PARKS AND RECREATION
05 MARINE SERVICES BUREAU

ESTIMATED SOURCE OF FUNDS FOR
MARINE SERVICES BUREAU

AMENDMENTS HB25	J	PAGE	65	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
(CONT.)							
(CONT.)							
(CONT.)							
(CONT.)							
03 RESOURCE PROTECT'N & DEVELOP'T							
03 RESOURCES & ECONOMIC DEVELOP'T							
04 DIVISION PARKS AND RECREATION							
05 MARINE SERVICES BUREAU							
STRIKE OUT							
09 AGENCY INCOME	I				116,891		117,151
INSERT IN PLACE THEREOF							
09 PARK FEES	I				116,891		117,151
TOTAL					116,891		117,151
TOTAL						4411,081	4491,269
ESTIMATED SOURCE OF FUNDS FOR							
DIVISION PARKS AND RECREATION							
OTHER FUNDS							
TOTAL						4411,081	4491,269
03 RESOURCE PROTECT'N & DEVELOP'T							
03 RESOURCES & ECONOMIC DEVELOP'T							
04 DIVISION OF SKI OPERATIONS							
02 PARKS - FRANCONIA							
STRIKE OUT							
20 CURRENT EXPENSES					162,090		172,090
INSERT IN PLACE THEREOF							
20 CURRENT EXPENSES					102,090		102,090
STRIKE OUT							
23 HEAT, ELECTRICITY & WATER	D				410,400		420,000
INSERT IN PLACE THEREOF							
23 HEAT, ELECTRICITY & WATER	D				270,400		270,400
STRIKE OUT							
30 EQUIPMENT NEW/REPLACEMENT					60,000		55,450
INSERT IN PLACE THEREOF							
30 EQUIPMENT NEW/REPLACEMENT							55,450
STRIKE OUT							
47 OWN FORCES MAINT. - BUILD. &GRNDS G					30,000		30,865
INSERT IN PLACE THEREOF							
47 OWN FORCES MAINT. - BUILD. &GRNDS G					30,000		20,865
STRIKE OUT							
50 PERSONAL SERVICE-TEMP/APPOINTE G					190,658		179,169
INSERT IN PLACE THEREOF							
50 PERSONAL SERVICE-TEMP/APPOINTE G					69,896		30,169

AMENDMENTS TO PAGE 66 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
05 DIVISION OF SKI OPERATIONS
02 PARKS - FRANCONIA

(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT			
60 BENEFITS	324,627	325,873	
INSERT IN PLACE THEREOF			
60 BENEFITS	315,389	314,475	
STRIKE OUT			
70 IN-STATE TRAVEL	940	1,015	
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	240	315	
STRIKE OUT			
90 SNOWMAKING	100,001	100,001	
INSERT IN PLACE THEREOF			
90 SNOWMAKING	1	1	
STRIKE OUT			
92 CANNON-PROMOTION MARKETING	150,000	150,000	
INSERT IN PLACE THEREOF			
92 CANNON-PROMOTION MARKETING	100,000	100,000	
TOTAL	2473,940	2474,058	
ESTIMATED SOURCE OF FUNDS FOR			
PARKS - FRANCONIA			
STRIKE OUT			
GENERAL FUND	3014,640	3014,756	
INSERT IN PLACE THEREOF			
GENERAL FUND	2473,940	2474,058	
TOTAL	2473,940	2474,058	

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
05 DIVISION OF SKI OPERATIONS
03 PARKS - SUNAPEE

INSERT		
10 PERSONAL SERVICES - PERMANENT		
STRIKE OUT	242,871	244,219
20 CURRENT EXPENSES	100,830	100,830
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	107,830	107,830

AMENDMENTS J PAGE 67 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T (CONT.)
03 RESOURCES & ECONOMIC DEVELOP'T (CONT.)
05 DIVISION OF SKI OPERATIONS (CONT.)
03 PARKS - SUNAPEE (CONT.)

STRIKE OUT			
23 HEAT, ELECTRICITY & WATER	0	326,000	326,000
INSERT IN PLACE THEREOF			
23 HEAT, ELECTRICITY & WATER	0	220,000	220,000
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT		60,000	50,000
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT		50,000	50,000
STRIKE OUT			
50 PERSONAL SERVICE-TEMP/APPOINTE		397,109	377,827
INSERT IN PLACE THEREOF			
50 PERSONAL SERVICE-TEMP/APPOINTE		341,373	312,801
STRIKE OUT			
59 PART-TIME - BENEFITTED		96,256	97,604
INSERT IN PLACE THEREOF			
59 PART-TIME - BENEFITTED		158,000	158,000
STRIKE OUT			
60 BENEFITS		59,256	58,185
INSERT IN PLACE THEREOF		146,376	144,595
60 BENEFITS		490	490
STRIKE OUT			
70 IN-STATE TRAVEL		190	190
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL		100,001	100,001
STRIKE OUT			
90 SNOWMAKING		1	1
INSERT IN PLACE THEREOF			
90 SNOWMAKING		150,000	150,000
STRIKE OUT			
92 SUNAPEE-PROMOTION MARKETING		100,000	100,000
INSERT IN PLACE THEREOF			
92 SUNAPEE-PROMOTION MARKETING			
TOTAL		1456,501	1455,502
ESTIMATED SOURCE OF FUNDS FOR			
PARKS - SUNAPEE			
STRIKE OUT			
GENERAL FUND		1379,802	1378,803

AMENDMENTS TO PAGE 58 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECTION & DEVELOPMENT
03 RESOURCES & ECONOMIC DEVELOPMENT
05 DIVISION OF SKI OPERATIONS
03 PARKS - SUNAPEE

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

1456,501
1456,501

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF SKI OPERATIONS
GENERAL FUNDS
TOTAL

4092,816
4092,816

4092,924

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
RESOURCES & ECONOMIC DEVELOPMENT
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

16441,958
358,631
11206,221
4877,106
16441,958

16540,041

16540,041

03 RESOURCE PROTECTION & DEVELOPMENT
04 DEPT OF ENVIRONMENTAL SERVICES
01 OFFICE OF THE COMMISSIONER
01 ADMINISTRATION & SUPPORT

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
INSERT
13 CHIEF OPERATIONS OFFICER
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

858,679
865,595
43,563
303,200
318,344

871,517

878,536

46,025

307,805

323,719

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION & SUPPORT

1654,990

1624,593

AMENDMENTS TO PAGE 69 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T
 04 DEPT OF ENVIRONMENTAL SERVICES
 01 OFFICE OF THE COMMISSIONER
 01 ADMINISTRATION & SUPPORT
 (CONT.)
 (CONT.)
 (CONT.)

STRIKE OUT		
01 OTHER AGENCY FUNDS	313,038	316,448
INSERT IN PLACE THEREOF		
01 OTHER AGENCY FUNDS	315,038	316,448
STRIKE OUT		
GENERAL FUND	1245,932	1269,584
INSERT IN PLACE THEREOF		
GENERAL FUND	1309,555	1338,542
TOTAL	1624,593	1654,990

03 RESOURCE PROTECT'N & DEVELOP'T
 04 DEPT OF ENVIRONMENTAL SERVICES
 01 OFFICE OF THE COMMISSIONER
 02 LABORATORY COST CENTER

ESTIMATED SOURCE OF FUNDS FOR
 LABORATORY COST CENTER

STRIKE OUT		
01 OTHER AGENCY FUNDS	695,373	735,103
INSERT IN PLACE THEREOF		
01 OTHER AGENCY FUNDS	700,373	740,103
STRIKE OUT		
GENERAL FUND	636,906	629,954
INSERT IN PLACE THEREOF		
GENERAL FUND	631,906	624,954
TOTAL	1426,059	1460,023

03 RESOURCE PROTECT'N & DEVELOP'T
 04 DEPT OF ENVIRONMENTAL SERVICES
 01 OFFICE OF THE COMMISSIONER
 03 GEOLOGY UNIT

INSERT		
10 PERSONAL SERVICES - PERMANENT	39,839	41,750
INSERT		
20 CURRENT EXPENSES	3,950	3,950

AMENDMENTS TO	PAGE	70	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
01 OFFICE OF THE COMMISSIONER						
03 GEOLOGY UNIT						
(CONT.)						
(CONT.)						
(CONT.)						
(CONT.)						
INSERT						
28 TRANSFERS TO GENERAL SERVICES						
INSERT				1,767		1,819
51 CONSULTANTS-BENEFITED				7,896		8,824
INSERT						
60 BENEFITS				12,556		13,200
INSERT						
70 IN-STATE TRAVEL				2,141		2,276
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				68,149		71,819
GEOLOGY UNIT						
INSERT						
GENERAL FUND						
TOTAL				68,149		71,819
TOTAL				68,149		71,819
ESTIMATED SOURCE OF FUNDS FOR						
OFFICE OF THE COMMISSIONER						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				3118,801		3186,832
TOTAL				3118,801		3186,832
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
01 WATER RESOURCES BUREAU						
01 ADMINISTRATION & PUBLIC SAFETY						
STRIKE OUT						
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				23,690		24,233
20 CURRENT EXPENSES						
STRIKE OUT				33,525		34,233
22 RENTS&LEASES OTHER THAN STATE						
INSERT IN PLACE THEREOF				56,000		56,000
22 RENTS&LEASES OTHER THAN STATE						
INSERT IN PLACE THEREOF				69,000		69,000
22 RENTS&LEASES OTHER THAN STATE						

AMENDMENTS TO	PAGE	71	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES				(CONT.)		
01 WATER RESOURCES BUREAU				(CONT.)		
01 ADMINISTRATION & PUBLIC SAFETY				(CONT.)		
STRIKE OUT						
91 STREAM FLOW GAUGING				72,380		74,000
INSERT IN PLACE THEREOF						
91 STREAM FLOW GAUGING				81,025		85,000
TOTAL					619,428	625,262
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION & PUBLIC SAFETY						
STRIKE OUT						
02					22,050	22,050
INSERT IN PLACE THEREOF						
02 HIGHWAY FUNDS					27,008	28,333
STRIKE OUT						
GENERAL FUND					545,098	548,412
INSERT IN PLACE THEREOF						
GENERAL FUND					571,620	576,129
TOTAL					619,428	625,262
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
01 WATER RESOURCES BUREAU						
02 DAM REGISTRATION FUND						
STRIKE OUT						
10 PERSONAL SERVICES-PERM. CLASSI				57,194		58,442
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES-PERM. CLASSI				145,491		149,586
STRIKE OUT						
60 BENEFITS				17,227		17,601
INSERT IN PLACE THEREOF						
60 BENEFITS				43,716		44,944
TOTAL					227,932	231,658
ESTIMATED SOURCE OF FUNDS FOR						
DAM REGISTRATION FUND						
STRIKE OUT						
07 AGENCY INCOME					113,146	113,171

AMENDMENTS	PAGE	73	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25					
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 02 DIV OF WATER RESOURCES 03 WETLAND BUREAU					
					(CONT.) (CONT.) (CONT.) (CONT.)
GENERAL FUNDS OTHER FUNDS TOTAL				209,330 303,501 512,831	209,045 303,014 512,059
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 02 DIV OF WATER RESOURCES 04 WATER MANAGEMENT BUREAU					
STRIKE OUT				125,801	126,001
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT				100	
18 OVERTIME					
STRIKE OUT				8,088	8,100
20 CURRENT EXPENSES					
STRIKE OUT				12,531	12,600
22 RENTS&LEASES OTHER THAN STATE					
STRIKE OUT				500	500
23 HEAT, ELECTRICITY & WATER					
STRIKE OUT				810	810
24 MAINT. OTHER THAN BUILD. & GRNDS					
STRIKE OUT				37,770	37,800
60 BENEFITS					
STRIKE OUT				5,000	5,000
70 IN-STATE TRAVEL					
ESTIMATED SOURCE OF FUNDS FOR WATER MANAGEMENT BUREAU				190,600	
STRIKE OUT					190,811
GENERAL FUND					
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 02 DIV OF WATER RESOURCES 04 WATER MANAGEMENT BUREAU 01 ADMINISTRATION					
INSERT					
10 PERSONAL SERVICES - PERMANENT				125,801	126,001

AMENDMENTS TO		PAGE	75	05/24/91	----- FISCAL YEAR 1992 -----		----- FISCAL YEAR 1993 -----	
HB25								
03 RESOURCE PROTECT'N & DEVELOP'T								
04 DEPT OF ENVIRONMENTAL SERVICES								
02 DIV OF WATER RESOURCES								
04 WATER MANAGEMENT BUREAU								
02 WATER WELL BOARD								
(CONT.)								
(CONT.)								
(CONT.)								
(CONT.)								
(CONT.)								
TOTAL					47,700		56,756	
ESTIMATED SOURCE OF FUNDS FOR								
WATER WELL BOARD								
INSERT GENERAL FUND								
TOTAL					47,700		56,756	
TOTAL					47,700		56,756	
TOTAL					238,300		247,567	
ESTIMATED SOURCE OF FUNDS FOR								
WATER MANAGEMENT BUREAU								
GENERAL FUNDS								
TOTAL					238,300		247,567	
TOTAL					238,300		247,567	
TOTAL					2736,702		2759,792	
ESTIMATED SOURCE OF FUNDS FOR								
DIV OF WATER RESOURCES								
GENERAL FUNDS								
OTHER FUNDS								
TOTAL					1155,400		1168,041	
TOTAL					1581,302		1591,751	
TOTAL					2736,702		2759,792	
03 RESOURCE PROTECT'N & DEVELOP'T								
04 DEPT OF ENVIRONMENTAL SERVICES								
03 DIV OF WATER POLLUTION CONTROL								
01 WATER POLLUTION PROGRAMS								
01 POLLUTION CONTROL PROGRAM								
STRIKE OUT								
10 PERSONAL SERVICES - PERMANENT					628,982		632,146	
INSERT IN PLACE THEREOF								
10 PERSONAL SERVICES - PERMANENT					673,716		678,830	
STRIKE OUT								
20 CURRENT EXPENSES					86,050		86,050	
INSERT IN PLACE THEREOF								
20 CURRENT EXPENSES					87,050		87,050	
STRIKE OUT								
60 BENEFITS					209,195		210,586	

AMENDMENTS TO	PAGE	76	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
01 WATER POLLUTION PROGRAMS						
01 POLLUTION CONTROL PROGRAM						
INSERT IN PLACE THEREOF						
60 BENEFITS				222,615	224,591	
STRIKE OUT						
70 IN-STATE TRAVEL				29,700	30,057	
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL				30,000	30,357	
TOTAL						1165,197
ESTIMATED SOURCE OF FUNDS FOR						
POLLUTION CONTROL PROGRAM						
STRIKE OUT						
GENERAL FUND				1093,923		1103,208
INSERT IN PLACE THEREOF						
GENERAL FUND				1153,377	1165,197	
TOTAL				1153,377	1153,377	1165,197
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
01 WATER POLLUTION PROGRAMS						
04 STATE AID GRANTS						
STRIKE OUT						
90 GRANTS				19040,506	16915,598	
ESTIMATED SOURCE OF FUNDS FOR						
STATE AID GRANTS						
STRIKE OUT						
GENERAL FUND				19040,506	16915,598	
TOTAL				1791,309	1814,704	
ESTIMATED SOURCE OF FUNDS FOR						
WATER POLLUTION PROGRAMS						
FEDERAL FUNDS				431,835	440,202	
GENERAL FUNDS				1320,464	1333,750	
OTHER FUNDS				39,010	40,752	
TOTAL				1791,309	1814,704	

AMENDMENTS TO HB25	PAGE	77	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 01 WATER POLLUTION PROGRAMS				(CONT.) (CONT.) (CONT.) (CONT.)		
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 04 WATER SUPPLY PROGRAMS 01 SAFE DRINKING WATER ACT						
STRIKE OUT						
40 INDIRECT COSTS	E			15,669		16,043
INSERT IN PLACE THEREOF	E			20,383		20,861
40 INDIRECT COSTS						
STRIKE OUT						
41 AUDIT FUND SET ASIDE	D			453		468
INSERT IN PLACE THEREOF						
41 AUDIT FUND SET ASIDE	D			551		568
INSERT						
59 PART-TIME - BENEFITTED				71,390		72,970
STRIKE OUT						
60 BENEFITS				65,523		67,178
INSERT IN PLACE THEREOF						
60 BENEFITS				86,940		89,069
TOTAL					560,523	577,374
ESTIMATED SOURCE OF FUNDS FOR SAFE DRINKING WATER ACT						
STRIKE OUT						
FEDERAL FUNDS					462,904	477,595
INSERT IN PLACE THEREOF					560,523	577,374
FEDERAL FUNDS					560,523	577,374
TOTAL						
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 04 WATER SUPPLY PROGRAMS 03 OPERATIONAL PERMITS						
STRIKE OUT						
10 PERSONAL SERVICES-PERM. CLASSI				85,313		85,313

AMENDMENTS TO PAGE 79 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 06 GROUNDWATER PROGRAMS 01 OIL POLLUTION CONTROL FUND	(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
TOTAL		743,182	738,636
ESTIMATED SOURCE OF FUNDS FOR OIL POLLUTION CONTROL FUND			
STRIKE OUT			
09 AGENCY INCOME		708,300	702,234
INSERT IN PLACE THEREOF			
09 AGENCY INCOME		743,182	738,636
TOTAL		743,182	738,636
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 06 GROUNDWATER PROGRAMS 04 LUST TRUST PROGRAM			
STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT			317,500
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT			341,173
STRIKE OUT			
60 BENEFITS			110,451
INSERT IN PLACE THEREOF			
60 BENEFITS			117,553
TOTAL		1462,646	1467,858
ESTIMATED SOURCE OF FUNDS FOR LUST TRUST PROGRAM			
STRIKE OUT			
FEDERAL FUNDS		1433,088	1437,083
INSERT IN PLACE THEREOF			
FEDERAL FUNDS		1462,646	1467,858
TOTAL		1462,646	1467,858
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 06 GROUNDWATER PROGRAMS 06 SECTION 106 GROUNDWATER			
STRIKE OUT			
10 PERSONAL SERVICES-PERM. CLASSI		75,972	77,220

AMENDMENTS TO PAGE 80 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECTION & DEVELOPMENT
04 DEPT OF ENVIRONMENTAL SERVICES
03 DIV OF WATER POLLUTION CONTROL
06 GROUNDWATER PROGRAMS
06 SECTION 106 GROUNDWATER
(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF	103,974	106,470	
10 PERSONAL SERVICES-PERM. CLASS I			
STRIKE OUT			
20 CURRENT EXPENSES	6,313	6,486	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	8,813	8,986	
STRIKE OUT			
60 BENEFITS	22,792	23,166	
INSERT IN PLACE THEREOF			
60 BENEFITS	31,192	31,941	
TOTAL	156,075	159,545	
ESTIMATED SOURCE OF FUNDS FOR			
SECTION 106 GROUNDWATER			
STRIKE OUT			
FEDERAL FUNDS	117,173	119,020	
INSERT IN PLACE THEREOF			
FEDERAL FUNDS	156,075	159,545	
TOTAL	156,075	159,545	

03 RESOURCE PROTECTION & DEVELOPMENT
04 DEPT OF ENVIRONMENTAL SERVICES
03 DIV OF WATER POLLUTION CONTROL
06 GROUNDWATER PROGRAMS
08 GROUNDWATER PERMITS

STRIKE OUT			
10 PERSONAL SERVICES-PERM. CLASS I			
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES-PERM. CLASS I	31,409	31,766	
STRIKE OUT			
20 CURRENT EXPENSES		2,000	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	2,000	2,000	
STRIKE OUT			
28 TRANSFERS TO GENERAL SERVICES		1,819	
INSERT IN PLACE THEREOF			
28 TRANSFERS TO GENERAL SERVICES	1,767	1,819	

AMENDMENTS TO PAGE 81 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T
 04 DEPT OF ENVIRONMENTAL SERVICES
 03 DIV OF WATER POLLUTION CONTROL
 06 GROUNDWATER PROGRAMS
 08 GROUNDWATER PERMITS

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

STRIKE OUT		9,530	
60 BENEFITS			
INSERT IN PLACE THEREOF	9,423	9,530	
60 BENEFITS			
STRIKE OUT		500	
70 IN-STATE TRAVEL			
INSERT IN PLACE THEREOF	500	500	
70 IN-STATE TRAVEL			

TOTAL	45,099	45,615
-------	--------	--------

ESTIMATED SOURCE OF FUNDS FOR
 GROUNDWATER PERMITS

STRIKE OUT		45,615
GENERAL FUND		
INSERT IN PLACE THEREOF	45,099	45,615
GENERAL FUND	45,099	45,615
TOTAL	2832,242	2841,658

TOTAL ESTIMATED SOURCE OF FUNDS FOR

GROUNDWATER PROGRAMS
 FEDERAL FUNDS
 OTHER FUNDS
 TOTAL

1863,925	1870,020
100,680	103,650
867,636	867,988
2832,242	2841,658

03 RESOURCE PROTECT'N & DEVELOP'T
 04 DEPT OF ENVIRONMENTAL SERVICES
 03 DIV OF WATER POLLUTION CONTROL
 07 SUBSURFACE WASTE DISPOSAL PROG
 01 SUBSURFACE WASTE DISPOSAL

STRIKE OUT		754,149
10 PERSONAL SERVICES - PERMANENT	748,824	
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	733,896	738,780
STRIKE OUT		
60 BENEFITS	231,754	235,927

AMENDMENTS TO PAGE 82 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECTION & DEVELOPMENT
04 DEPT OF ENVIRONMENTAL SERVICES
03 DIV OF WATER POLLUTION CONTROL
07 SUBSURFACE WASTE DISPOSAL PROG
01 SUBSURFACE WASTE DISPOSAL

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
60 BENEFITS

227,276

231,316

1372,493

1312,871

1392,473

1332,277

1372,493

1312,871

1372,493

1312,871

1448,804

1385,958

1448,804

1385,958

1448,804

1385,958

03 RESOURCE PROTECTION & DEVELOPMENT
04 DEPT OF ENVIRONMENTAL SERVICES
03 DIV OF WATER POLLUTION CONTROL
08 WATER QUALITY PLANNING
01 SECTION 604 PLANNING

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF

134,976

136,751

10 PERSONAL SERVICES - PERMANENT
STRIKE OUT

166,936

170,174

20 CURRENT EXPENSES

9,032

9,484

INSERT IN PLACE THEREOF

11,032

11,484

STRIKE OUT

30 EQUIPMENT NEW/REPLACEMENT

4,410

1,874

INSERT IN PLACE THEREOF

5,638

2,874

STRIKE OUT

41,073

41,634

60 BENEFITS

AMENDMENTS HB25	PAGE	83	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 08 WATER QUALITY PLANNING 01 SECTION 604 PLANNING					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF					
60 BENEFITS			50,661		51,661
STRIKE OUT					
70 IN-STATE TRAVEL			4,917		5,562
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL			5,742		6,387
STRIKE OUT					
80 OUT-OF STATE TRAVEL			500		500
INSERT IN PLACE THEREOF					
80 OUT-OF STATE TRAVEL			775		775
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR			277,944		281,787
SECTION 604 PLANNING					
STRIKE OUT					
FEDERAL FUNDS			232,068		234,237
INSERT IN PLACE THEREOF					
FEDERAL FUNDS			277,944		281,787
TOTAL			277,944		281,787
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR			485,500		496,066
WATER QUALITY PLANNING					
FEDERAL FUNDS			485,500		496,066
TOTAL			485,500		496,066
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 09 CLEAN LAKES PROGRAM 01 KEZAR LAKE					
INSERT					
20 CURRENT EXPENSES			5,000		5,000
INSERT					
30 EQUIPMENT NEW/REPLACEMENT			10,000		
INSERT					
40 INDIRECT COSTS			1,530		1,540

AMENDMENTS TO	PAGE	85	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25					
03 RESOURCE PROTECTION & DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
04 DIV OF AIR RESOURCES					
01 ADMIN & ENGINEERING BUREAU					
02 PERMIT FEE SYSTEM					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERM. CLASS I			202,956		207,871
INSERT					
40 INDIRECT COSTS			4,770		4,986
STRIKE OUT					
60 BENEFITS			45,851		45,594
INSERT IN PLACE THEREOF					
60 BENEFITS			64,196		64,771
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR			327,294		331,094
PERMIT FEE SYSTEM					
STRIKE OUT					
06 AGENCY INCOME			243,027		243,009
INSERT IN PLACE THEREOF					
06 AGENCY INCOME			327,294		331,094
TOTAL			327,294		331,094
TOTAL			571,106		596,970
ESTIMATED SOURCE OF FUNDS FOR					
ADMIN & ENGINEERING BUREAU					
GENERAL FUNDS			243,812		265,876
OTHER FUNDS			327,294		331,094
TOTAL			571,106		596,970
03 RESOURCE PROTECTION & DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
04 DIV OF AIR RESOURCES					
02 TECHNICAL SERVICES/MONITORING					
01 TECHNICAL SERVICES/MONITORING					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			436,932		444,365
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			580,531		592,586
STRIKE OUT					
40 INDIRECT COSTS			30,547		31,068
E					

(CONT.)
(CONT.)
(CONT.)
(CONT.)

AMENDMENTS TO PAGE 86 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

03 RESOURCE PROTECT'N & DEVELOP'T
04 DEPT OF ENVIRONMENTAL SERVICES
04 DIV OF AIR RESOURCES
02 TECHNICAL SERVICES BUREAU
01 TECHNICAL SERVICES/MONITORING

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF			
40 INDIRECT COSTS	E	41,749	42,631
STRIKE OUT			803
41 AUDIT FUND SET ASIDE	D	787	
INSERT IN PLACE THEREOF			1,017
41 AUDIT FUND SET ASIDE	D	994	
STRIKE OUT			10,356
42 TRANSFER TO COLA	D	10,183	
INSERT IN PLACE THEREOF			13,322
42 TRANSFER TO COLA	D	13,056	
STRIKE OUT			133,375
60 BENEFITS		131,145	
INSERT IN PLACE THEREOF			177,841
60 BENEFITS		174,225	
STRIKE OUT			10,000
92 TRAINING		10,000	
INSERT IN PLACE THEREOF			14,000
92 TRAINING		14,000	
TOTAL		1000,025	1022,407
ESTIMATED SOURCE OF FUNDS FOR			
TECHNICAL SERVICES/MONITORING			
STRIKE OUT			810,977
FEDERAL FUNDS		795,064	
INSERT IN PLACE THEREOF			1022,407
FEDERAL FUNDS		1000,025	
TOTAL		1000,025	1022,407
TOTAL		1073,661	1097,175
ESTIMATED SOURCE OF FUNDS FOR			
TECHNICAL SERVICES BUREAU			
FEDERAL FUNDS		1000,025	
GENERAL FUNDS		73,636	
TOTAL		1073,661	1097,175

03 RESOURCE PROTECT'N & DEVELOP'T
04 DEPT OF ENVIRONMENTAL SERVICES
04 DIV OF AIR RESOURCES
03 TOXICS MANAGEMENT BUREAU
02 ASBESTOS PROGRAM

INSERT
10 PERSONAL SERVICES - PERMANENT 39,839 39,839

AMENDMENTS IU PAGE 87 05/24/91
HB25

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

03 RESOURCE PROTECT'N & DEVELOP'T
04 DEPT OF ENVIRONMENTAL SERVICES
04 DIV OF AIR RESOURCES
03 TOXICS MANAGEMENT BUREAU
02 ASBESTOS PROGRAM

INSERT
20 CURRENT EXPENSES
INSERT
22 RENTS&LEASES OTHER THAN STATE
INSERT
24 MAINT.OTHER THAN BUILD.& GRNDS
INSERT
49 TRANSFERS TO OTHER STATE AGENCS D
INSERT
60 BENEFITS
INSERT
70 IN-STATE TRAVEL
INSERT
80 OUT-OF STATE TRAVEL
INSERT
95 MEDICAL EXAMS

1,400
1,000
1,000
5,000
11,952
1,670
600
750

63,811

63,211

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ASBESTOS PROGRAM
INSERT
TOTAL

63,811
63,81163,211
63,211

330,853

329,023

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
TOXICS MANAGEMENT BUREAU
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

162,333
124,527
43,993
330,853162,252
123,827
42,844
329,023

2024,998

1973,790

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIV OF AIR RESOURCES
FEDERAL FUNDS
GENERAL FUNDS

1184,740
465,1711162,277
441,375

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 88 05/24/91
HB25

03 RESOURCE PROTECT'N & DEVELOP'T
04 DEPT OF ENVIRONMENTAL SERVICES
04 DIV OF AIR RESOURCES

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

OTHER FUNDS

TOTAL 370,138 375,087
1973,790 2024,998

TOTAL

38307,079

39279,593

ESTIMATED SOURCE OF FUNDS FOR
DEPT OF ENVIRONMENTAL SERVICES

FEDERAL FUNDS

18990,357

19587,735

GENERAL FUNDS

8011,862

8195,635

OTHER FUNDS

11304,860

11496,223

TOTAL

38307,079

39279,593

TOTAL

66183,331

67264,008

ESTIMATED SOURCE OF FUNDS FOR
RESOURCE PROTECT'N & DEVELOP'T

FEDERAL FUNDS

21626,451

22216,743

GENERAL FUNDS

19218,084

19401,884

FISH AND GAME

6745,830

6762,441

OTHER FUNDS

18592,966

18882,940

TOTAL

66183,331

67264,008

04 TRANSPORTATION

01 DEPARTMENT OF TRANSPORTATION

01 ADMINISTRATION DIVISION

01 EXECUTIVE OFFICE

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT

688,071

693,496

INSERT IN PLACE THEREOF

10 PERSONAL SERVICES - PERMANENT

688,071

693,496

STRIKE OUT

80 OUT-OF STATE TRAVEL

5,000

5,000

INSERT IN PLACE THEREOF

80 OUT-OF STATE TRAVEL

10,000

10,000

STRIKE OUT

AMENDMENTS ~ PAGE 89 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION (CONT.)
01 DEPARTMENT OF TRANSPORTATION (CONT.)
01 ADMINISTRATION DIVISION (CONT.)
01 EXECUTIVE OFFICE

WITHIN THIS APPROPRIATION TWO (2) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS

TOTAL	1816,710	1753,375
ESTIMATED SOURCE OF FUNDS FOR		
EXECUTIVE OFFICE		
STRIKE OUT		
HIGHWAY FUND	1811,710	1748,375
INSERT IN PLACE THEREOF	1816,710	1753,375
HIGHWAY FUND	1816,710	1753,375
TOTAL		

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
01 ADMINISTRATION DIVISION
02 BUDGET & FINANCE BUREAU

STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT	740,074	748,855
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	740,074	748,855

STRIKE OUT

WITHIN THIS APPROPRIATION ONE (1) POSITION SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.

AMENDMENTS . . . PAGE 91 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION (CONT.)
01 DEPARTMENT OF TRANSPORTATION (CONT.)
01 ADMINISTRATION DIVISION (CONT.)
04 HUMAN RESOURCES BUREAU (CONT.)

WITHIN THIS APPROPRIATION ONE (1) POSITION SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.

TOTAL

555,574

575,704

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
01 ADMINISTRATION DIVISION
05 DATA MANAGEMENT BUREAU

INSERT AFTER SOURCE OF FUNDS

WITHIN THIS APPROPRIATION FIVE (5) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS DIVISION PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR PERSONAL SERVICES - PERMANENT.

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
01 ADMINISTRATION DIVISION
06 TRANS PLANNING/SYS MGMT BUREAU

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT

1145,101

1157,982

AMENDMENTS 'U PAGE 93 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION
 01 DEPARTMENT OF TRANSPORTATION
 02 OPERATIONS DIVISION
 01 HIGHWAY MAINTENANCE BUREAU

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	15605,501	15714,046
STRIKE OUT		
20 CURRENT EXPENSES	14300,180	12885,692
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	14100,180	12885,692
STRIKE OUT		
24 MAINT. OTHER THAN BUILD. & GRNDS	500,000	500,000
INSERT IN PLACE THEREOF		
24 MAINT. OTHER THAN BUILD. & GRNDS	300,000	300,000

STRIKE OUT *

WITHIN THIS APPROPRIATION THREE (3) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNIIUM. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.

TOTAL	44710,600	44798,913
ESTIMATED SOURCE OF FUNDS FOR		
HIGHWAY MAINTENANCE BUREAU		
STRIKE OUT		
HIGHWAY FUND	45110,600	44998,913
INSERT IN PLACE THEREOF		
HIGHWAY FUND	44710,600	44798,913
TOTAL	44710,600	44798,913

04 TRANSPORTATION
 01 DEPARTMENT OF TRANSPORTATION
 02 OPERATIONS DIVISION
 02 BRIDGE MAINTENANCE BUREAU
 01 BRIDGE MAINTENANCE

STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT *	2605,707	2628,894

AMENDMENTS TO	PAGE	94	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25					
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 02 OPERATIONS DIVISION 02 BRIDGE MAINTENANCE BUREAU 01 BRIDGE MAINTENANCE					
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			2605,707	2628,894	
STRIKE OUT					
* WITHIN THIS APPROPRIATION THREE (3) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTH- ORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS					
TOTAL			4705,553		4804,766
TOTAL			4996,135		5101,343
ESTIMATED SOURCE OF FUNDS FOR					
BRIDGE MAINTENANCE BUREAU					
HIGHWAY FUNDS			4280,553		4379,766
OTHER FUNDS			715,582		721,577
TOTAL			4996,135		5101,343
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 02 OPERATIONS DIVISION 03 TRAFFIC BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT *			1307,458	1323,013	
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			1307,458	1323,013	
STRIKE OUT					
* WITHIN THIS APPROPRIATION FOUR (4) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNium. THE					

AMENDMENTS TO
HB25 PAGE 95 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
02 OPERATIONS DIVISION
03 TRAFFIC BUREAU
(CONT.)
(CONT.)
(CONT.)
(CONT.)

COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.

TOTAL

3375,227

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
02 OPERATIONS DIVISION
04 MECHANICAL SERVICES BUREAU

3267,528

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT *	2045,236	2060,551	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	2045,236	2060,551	
STRIKE OUT			
20 CURRENT EXPENSES	3232,750	3281,000	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	3132,750	3181,000	
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT **	450,000	450,000	
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT **	350,000	250,000	

STRIKE OUT *

WITHIN THIS APPROPRIATION ONE (1) POSITION SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.

TOTAL

6416,065

6384,489

AMENDMENTS TO HB25 PAGE 96 05/24/91 ----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
02 OPERATIONS DIVISION
04 MECHANICAL SERVICES BUREAU
(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
MECHANICAL SERVICES BUREAU
STRIKE OUT
09 AGENCY INCOME 4325,000 4550,000
INSERT IN PLACE THEREOF
09 AGENCY INCOME 3725,000 4050,000
STRIKE OUT
HIGHWAY FUND 2291,065 2134,489
INSERT IN PLACE THEREOF
HIGHWAY FUND 2691,065 2334,489
TOTAL 6416,065 6384,489

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
02 OPERATIONS DIVISION
05 OTHER OPERATIONS
04 FUEL DISTRIBUTION

INSERT AFTER SOURCE OF FUNDS
WITHIN THIS APPROPRIATION ELEVEN (11) POSITIONS
SHALL REMAIN UNFUNDED FOR THE BIENNIAL. THE
COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO
HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTH-
ORIZED POSITIONS FOR THIS DIVISION PROVIDED
THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED
THE AMOUNT APPROPRIATED FOR PERSONAL SERVICES-
PERMANENT.

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OPERATIONS DIVISION
HIGHWAY FUNDS
OTHER FUNDS
TOTAL

59705,583 59980,078
54317,746 54257,395
5387,837 5722,683
59705,583 59980,078

AMENDMENTS HB25	PAGE 97	DATE 05/24/91	FISCAL YEAR 1992	FISCAL YEAR 1993	
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 02 OPERATIONS DIVISION			(CONT.) (CONT.) (CONT.)		
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 01 DESIGN BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT *			4324,930	4355,268	
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			4324,930	4355,268	
STRIKE OUT					
*					
WITHIN THIS APPROPRIATION SEVEN (7) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNIMUM. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTH- ORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.					
TOTAL			5922,971	5962,410	
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 06 MATERIALS & RESEARCH BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT *			1309,318	1321,442	
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			1309,318	1321,442	
STRIKE OUT					
*					

AMENDMENTS TO	PAGE	98	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
H825						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
06 MATERIALS & RESEARCH BUREAU						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
WITHIN THIS APPROPRIATION ONE (1) POSITION SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.						
TOTAL					1894,576	1921,026
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
07 CONSTRUCTION BUREAU						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT *				3039,555		3046,574
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				3039,555		3046,574
STRIKE OUT						
WITHIN THIS APPROPRIATION SIX (6) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNium. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.						
TOTAL					4453,083	4490,077
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
08 ENGINEERING AUDIT BUREAU						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT *				333,720		334,670

AMENDMENTS TO HB25	PAGE	99 05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 08 ENGINEERING AUDIT BUREAU				
(CONT.) (CONT.) (CONT.) (CONT.)				
INSERT IN PLACE THEREOF		333,720		334,670
10 PERSONAL SERVICES - PERMANENT				
STRIKE OUT				
WITHIN THIS APPROPRIATION ONE (1) POSITION SHALL REMAIN UNFUND FOR THE BIENNIAL. THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS PAU PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR THIS CLASS.				
TOTAL		438,338		439,876
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 TRANS PLANNING/SYS MGMT BUREAU				
INSERT				
10 PERSONAL SERVICES - PERMANENT		1145,101		1157,982
INSERT				
18 OVERTIME		11,250		20,250
INSERT				
19 HOLIDAY PAY		75		75
INSERT				
20 CURRENT EXPENSES		19,127		24,125
INSERT				
22 RENTS&LEASES OTHER THAN STATE		100		100
INSERT				
23 HEAT, ELECTRICITY & WATER		500		500
INSERT				
24 MAINT.OTHER THAN BUILD. & GRNDS		100		100
INSERT				
60 BENEFITS		346,928		353,493

AMENDMENTS J PAGE 101 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)			
(CONT.)			
(CONT.)			
(CONT.)			
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O3 PROJECT DEVELOPMENT DIVISION			
O9 MATCHING FUNDS			
O2 PRIMARY			
STRIKE OUT	16643,399	16643,399	
90 OTHER EXPENDITURES			
ESTIMATED SOURCE OF FUNDS FOR			
PRIMARY			
STRIKE OUT	13881,000	13881,000	
FEDERAL FUNDS			
STRIKE OUT	2776,280	2776,280	
HIGHWAY FUND			
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O3 PROJECT DEVELOPMENT DIVISION			
O9 MATCHING FUNDS			
O3 SECONDARY			
STRIKE OUT	2,925	2,925	
41 AUDIT FUND SET ASIDE			
STRIKE OUT	3507,075	3507,075	
90 OTHER EXPENDITURES			
ESTIMATED SOURCE OF FUNDS FOR			
SECONDARY			
STRIKE OUT	2924,988	2924,988	
FEDERAL FUNDS			
STRIKE OUT	585,012	585,012	
HIGHWAY FUND			
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O3 PROJECT DEVELOPMENT DIVISION			
O9 MATCHING FUNDS			
O4 URBAN D			
STRIKE OUT	3,657	3,657	
41 AUDIT FUND SET ASIDE			
STRIKE OUT	4384,743	4384,743	
90 OTHER EXPENDITURES			

AMENDMENTS TO	PAGE	102	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 04 URBAN D						
(CONT.) (CONT.) (CONT.) (CONT.)						
ESTIMATED SOURCE OF FUNDS FOR						
URBAN D						
STRIKE OUT						
FEDERAL FUNDS						
STRIKE OUT						
05 PRIVATE LOCAL FUNDS						
STRIKE OUT						
HIGHWAY FUND						
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 05 METRO TRANSIT						
STRIKE OUT						
41 AUDIT FUND SET ASIDE						
STRIKE OUT						
90 OTHER EXPENDITURES						
ESTIMATED SOURCE OF FUNDS FOR METRO TRANSIT						
STRIKE OUT						
FEDERAL FUNDS						
STRIKE OUT						
HIGHWAY FUND						
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 06 ROADSIDE OBSTACLES						
STRIKE OUT						
41 AUDIT FUND SET ASIDE						
STRIKE OUT						
90 OTHER EXPENDITURES						
3656,986 571,414 160,000						
233 310.433						
233,000 77,666						
833 832.167						

AMENDMENTS IU PAGE 103 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

		(CONT.)		
		(CONT.)		
		(CONT.)		
		(CONT.)		
		(CONT.)		
ESTIMATED SOURCE OF FUNDS FOR				
ROADSIDE OBSTACLES				
STRIKE OUT			833,000	833,000
FEDERAL FUNDS				
O4 TRANSPORTATION				
O1 DEPARTMENT OF TRANSPORTATION				
O3 PROJECT DEVELOPMENT DIVISION				
O9 MATCHING FUNDS				
O8 ROADSIDE OBSTACLES				
ESTIMATED SOURCE OF FUNDS FOR				
RAILROAD GRADE CROSSINGS				
STRIKE OUT				
STRIKE OUT		657		657
STRIKE OUT			729,343	729,343
ESTIMATED SOURCE OF FUNDS FOR				
RAILROAD GRADE CROSSINGS				
STRIKE OUT				
STRIKE OUT		657,000		657,000
STRIKE OUT			73,000	73,000
ESTIMATED SOURCE OF FUNDS FOR				
BRIDGE REPLACEMENT				
STRIKE OUT				
STRIKE OUT		8,110		8,110
STRIKE OUT			9103,266	9103,266
ESTIMATED SOURCE OF FUNDS FOR				
BRIDGE REPLACEMENT				

AMENDMENTS TO HB25	PAGE	104	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 08 BRIDGE REPLACEMENT				(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
STRIKE OUT FEDERAL FUNDS					8109,124	8109,124
STRIKE OUT 05 PRIVATE LOCAL FUNDS					501,125	501,125
STRIKE OUT HIGHWAY FUND					501,127	501,127
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 09 RURAL TECHNICAL ASSISTANCE						
STRIKE OUT 41 AUDIT FUND SET ASIDE			0	101		101
STRIKE OUT 90 OTHER EXPENDITURES				200,000		200,000
ESTIMATED SOURCE OF FUNDS FOR RURAL TECHNICAL ASSISTANCE						
STRIKE OUT FEDERAL FUNDS					100,050	100,050
STRIKE OUT HIGHWAY FUND					100,051	100,051
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 10 REQUESTED MAINTENANCE & REPAIR						
STRIKE OUT 20 CURRENT EXPENSES				9,733		9,733
STRIKE OUT 50 PERSONAL SERVICE-TEMP/APPOINTE				97,776		97,776
STRIKE OUT 60 BENEFITS				7,480		7,480

AMENDMENTS TO	PAGE	107	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION				(CONT.)		
03 PROJECT DEVELOPMENT DIVISION				(CONT.)		
10 NON-MATCHING FUNDS				(CONT.)		
01 BETTERMENT				(CONT.)		
INSERT						
90 OTHER EXPENDITURES				23848,777	23848,777	
STRIKE OUT						
90 BETTERMENTS/STATE BRIDGE AID				9772,000	9772,000	
TOTAL				23871,555	23871,555	
ESTIMATED SOURCE OF FUNDS FOR						
INTERSTATE						
INSERT FEDERAL FUNDS						
STRIKE OUT				22777,977	22777,977	
01 OTHER AGENCY FUNDS				9772,000	9772,000	
INSERT HIGHWAY FUND				1093,578	1093,578	
TOTAL				23871,555	23871,555	
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
10 NON-MATCHING FUNDS						
02 NON PARTICIPATING CONS/RECONST						
INSERT						
41 AUDIT FUND SET ASIDE				13,881	13,881	
INSERT						
90 OTHER EXPENDITURES				16643,399	16643,399	
STRIKE OUT						
90 NON PART CONS/RECONST				270,000	285,000	
TOTAL				16657,280	16657,280	
ESTIMATED SOURCE OF FUNDS FOR						
PRIMARY						
INSERT FEDERAL FUNDS						
INSERT HIGHWAY FUND				13881,000	13881,000	
STRIKE OUT				2776,280	2776,280	
HIGHWAY FUND				270,000	285,000	

AMENDMENTS TO PAGE 109 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)			
(CONT.)			
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(CONT.)			
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
04 URBAN D			
INSERT			
05 PRIVATE LOCAL FUNDS	571,414		571,414
INSERT			
HIGHWAY FUND	160,000		160,000
TOTAL	4388,400		4388,400
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
05 METRO TRANSIT			
INSERT			
41 AUDIT FUND SET ASIDE		233	
INSERT			
90 OTHER EXPENDITURES	310,433		310,433
TOTAL	310,666		310,666
ESTIMATED SOURCE OF FUNDS FOR			
METRO TRANSIT			
INSERT			
FEDERAL FUNDS	233,000		233,000
INSERT			
HIGHWAY FUND	77,666		77,666
TOTAL	310,666		310,666
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
06 ROADSIDE OBSTACLES			
INSERT			
41 AUDIT FUND SET ASIDE		833	
INSERT			
90 OTHER EXPENDITURES	832,167		832,167
TOTAL	833,000		833,000

AMENDMENTS TO		PAGE	110	05/24/91	----- FISCAL YEAR 1992 -----		----- FISCAL YEAR 1993 -----	
HB25								
04 TRANSPORTATION								
01 DEPARTMENT OF TRANSPORTATION								
03 PROJECT DEVELOPMENT DIVISION								
10 MATCHING FUNDS								
06 ROADSIDE OBSTACLES								
ESTIMATED SOURCE OF FUNDS FOR								
ROADSIDE OBSTACLES								
INSERT FEDERAL FUNDS								
TOTAL								
04 TRANSPORTATION								
01 DEPARTMENT OF TRANSPORTATION								
03 PROJECT DEVELOPMENT DIVISION								
10 MATCHING FUNDS								
07 RAILROAD GRADE CROSSINGS								
INSERT								
41 AUDIT FUND SET ASIDE								
INSERT								
90 OTHER EXPENDITURES								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
RAILROAD GRADE CROSSINGS								
INSERT								
FEDERAL FUNDS								
INSERT								
05 PRIVATE LOCAL FUNDS								
TOTAL								
04 TRANSPORTATION								
01 DEPARTMENT OF TRANSPORTATION								
03 PROJECT DEVELOPMENT DIVISION								
10 MATCHING FUNDS								
08 BRIDGE REPLACEMENT								
INSERT								
41 AUDIT FUND SET ASIDE								
INSERT								
90 OTHER EXPENDITURES								
TOTAL								

(CONT.)
(CONT.)
(CONT.)
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(CONT.)

833,000
833,000

833,000
833,000

657
729,343

657
729,343

730,000

730,000

657,000
73,000
730,000

657,000
73,000
730,000

8,110
9103,266

8,110
9103,266

9111,376

9111,376

AMENDMENTS .0 PAGE 111 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
08 BRIDGE REPLACEMENT			
ESTIMATED SOURCE OF FUNDS FOR			
BRIDGE REPLACEMENT			
INSERT FEDERAL FUNDS	8109,124	8109,124	
INSERT 05 PRIVATE LOCAL FUNDS	501,125	501,125	
INSERT HIGHWAY FUND	501,127	501,127	
TOTAL	9111,376	9111,376	
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
09 RURAL TECHNICAL ASSISTANCE			
INSERT			
41 AUDIT FUND SET ASIDE	101	101	
INSERT	200,000	200,000	
90 OTHER EXPENDITURES			
TOTAL	200,101	200,101	
ESTIMATED SOURCE OF FUNDS FOR			
RURAL TECHNICAL ASSISTANCE			
INSERT FEDERAL FUNDS	100,050	100,050	
INSERT HIGHWAY FUND	100,051	100,051	
TOTAL	200,101	200,101	
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
10 REQUESTED MAINTENANCE & REPAIR			
INSERT			
20 CURRENT EXPENSES	9,733	9,733	

(CONT.)
(CONT.)
(CONT.)
(CONT.)

AMENDMENTS TO PAGE 112 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)			
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(CONT.)			
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O3 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
10 REQUESTED MAINTENANCE & REPAIR			
INSERT			
50 PERSONAL SERVICE-TEMP/APPOINTEE	97,776	97,776	
INSERT			
60 BENEFITS	7,480	7,480	
INSERT			
70 IN-STATE TRAVEL	20,000	20,000	
INSERT			
90 REQUESTED MAINTENANCE & REPAIR	473,382	473,382	
TOTAL			608,371
ESTIMATED SOURCE OF FUNDS FOR			
REQUESTED MAINTENANCE & REPAIR			
INSERT			
05 PRIVATE LOCAL FUNDS	608,371	608,371	608,371
TOTAL			608,371
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O3 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
11 DEMONSTRATION			
INSERT			
41 AUDIT FUND SET ASIDE	785	785	
INSERT			
90 OTHER EXPENDITURES	881,457	881,457	
TOTAL			882,242
ESTIMATED SOURCE OF FUNDS FOR			
DEMONSTRATION			
INSERT			
FEDERAL FUNDS	784,215	784,215	784,215
INSERT			
HIGHWAY FUND	98,027	98,027	98,027
TOTAL			882,242
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O3 PROJECT DEVELOPMENT DIVISION			
10 MATCHING FUNDS			
12 DEMO DISCRETIONARY			
INSERT			
41 AUDIT FUND SET ASIDE	467	467	467

AMENDMENTS PAGE 113 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
10 MATCHING FUNDS
12 DEMO DISCRETIONARY

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT			
90 OTHER EXPENDITURES	524,850	524,850	
TOTAL			525,317
ESTIMATED SOURCE OF FUNDS FOR			
DEMO DISCRETIONARY			
INSERT FEDERAL FUNDS	466,949	466,949	
INSERT HIGHWAY FUND	58,368	58,368	
TOTAL	525,317		525,317

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
10 MATCHING FUNDS
14 HPR REVENUE

INSERT			
41 AUDIT FUND SET ASIDE	739	739	
INSERT			
90 OTHER EXPENDITURES	867,838	867,838	
TOTAL			868,577
ESTIMATED SOURCE OF FUNDS FOR			
HPR REVENUE			
INSERT FEDERAL FUNDS	738,290	738,290	
INSERT HIGHWAY FUND	130,287	130,287	
TOTAL	868,577		868,577
TOTAL	62496,885		62496,885
ESTIMATED SOURCE OF FUNDS FOR			
MATCHING FUNDS			
FEDERAL FUNDS	55162,579	55162,579	
HIGHWAY FUNDS	5580,396	5580,396	

AMENDMENTS TO PAGE 115 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
11 COMMUNITY ASSISTANCE			
01 APPORTIONMENT A & B			
TOTAL	9772,000		9772,000
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
11 COMMUNITY ASSISTANCE			
02 NON PARTICIPATING CONS/RECONST			
INSERT			
90 NON PART CONS/RECONST	270,000	285,000	
TOTAL		285,000	
ESTIMATED SOURCE OF FUNDS FOR			
NON PARTICIPATING CONS/RECONST			
INSERT			
HIGHWAY FUND			
TOTAL	270,000		285,000
TOTAL	270,000		285,000
ESTIMATED SOURCE OF FUNDS FOR			
COMMUNITY ASSISTANCE			
HIGHWAY FUNDS			
OTHER FUNDS			
TOTAL	10042,000		10057,000
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
03 PROJECT DEVELOPMENT DIVISION			
12 TURNPIKE EXPANSION			
STRIKE OUT			
18 OVERTIME	150,000	150,000	
STRIKE OUT			
20 CURRENT EXPENSE	65,000	70,000	
STRIKE OUT			
24 MAINT OTHER THAN BUILD & GRNDS	5,000	5,000	

(CONT.)
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 (CONT.)

AMENDMENT J PAGE 117 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION (CONT.)
 01 DEPARTMENT OF TRANSPORTATION (CONT.)
 03 PROJECT DEVELOPMENT DIVISION (CONT.)
 12 COMMUNITY ASSISTANCE (CONT.)
 01 APPORTIONMENT A & B (CONT.)

AUTHORIZED TO PAY THE ACTUAL AMOUNTS AS PROVIDED BY STATUTE AND THE EXCESS APPROPRIATION SHALL LAPSE AND ANY AMOUNT NECESSARY TO MEET THE STATUTORY OBLIGATIONS OF RSA 235:23 IS HERE BY APPROPRIATED AND SHALL BE A CHARGE AGAINST THE HIGHWAY FUND.

TOTAL	18052,000	19023,820
ESTIMATED SOURCE OF FUNDS FOR		
APPORTIONMENT A & B		
INSERT HIGHWAY FUND	18052,000	19023,820
TOTAL	18052,000	19023,820

STRIKE OUT AFTER SOURCE OF FUNDS

IN THE EVENT APPROPRIATED STATE FUNDS FOR ANY CLASS OF EXPENDITURE WHICH IS TO BE USED TO QUALIFY FOR ANY FEDERAL FUNDS IS NOT SO USED AND THEREBY THE AMOUNT OF FEDERAL FUNDS ALLOCATED IS DECREASED, SAID STATE APPROPRIATION FOR SUCH CLASSES SHALL BE REDUCED IN PROPORTION TO THE AMOUNT THE FEDERAL FUNDS HAVE BEEN DECREASED AND THE TOTAL APPROPRIATION SHALL BE REDUCED BY THE SUM OF THE DECREASE IN FEDERAL FUNDS AND THE APPROPRIATE REDUCTION IN THE STATE APPROPRIATION.

TOTAL	18052,000	19023,820
ESTIMATED SOURCE OF FUNDS FOR		
COMMUNITY ASSISTANCE		
HIGHWAY FUNDS	18052,000	19023,820
TOTAL	18052,000	19023,820

04 TRANSPORTATION
 01 DEPARTMENT OF TRANSPORTATION
 03 PROJECT DEVELOPMENT DIVISION
 13 TURNPIKE EXPANSION

INSERT	150,000	150,000
18 OVERTIME		

AMENDMENTS TO PAGE 118 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
13 TURNPIKE EXPANSION
(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT	CURRENT EXPENSE	65,000	70,000	
20				
INSERT	MAINT OTHER THAN BUILD & GRNDS	5,000	5,000	
24				
INSERT	EQUIPMENT NEW/REPLACEMENT	85,595	100,850	
30				
INSERT	PART-TIME - BENEFITTED	1850,000	2050,000	
59				
INSERT	BENEFITS	600,000	660,000	
60				
INSERT	IN-STATE TRAVEL	75,000	100,000	
70				
INSERT	OUT-OF STATE TRAVEL	5,000	5,000	
80				
INSERT	ADMINISTRATIVE OVERHEAD	1007,290	1040,000	
90				
TOTAL		3842,885		4180,850
ESTIMATED SOURCE OF FUNDS FOR				
TURNPIKE EXPANSION				
INSERT		3842,885		4180,850
09 AGENCY INCOME		3842,885		4180,850
TOTAL				

INSERT AFTER SOURCE OF FUNDS

WITHIN THIS APPROPRIATION FIFTEEN(15) POSITIONS SHALL REMAIN UNFUNDED FOR THE BIENNIMUM THE COMMISSIONER, HOWEVER, IS HEREBY AUTHORIZED TO HAVE THE FLEXIBILITY TO FILL ANY OF THE AUTHORIZED POSITIONS FOR THIS DIVISION PROVIDED THAT THE TOTAL EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED FOR PERSONAL SERVICES-PERMANENT.

TOTAL

112779,267

114279,284

AMENDMENTS J PAGE 119 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION (CONT.)
 01 DEPARTMENT OF TRANSPORTATION (CONT.)
 03 PROJECT DEVELOPMENT DIVISION (CONT.)

ESTIMATED SOURCE OF FUNDS FOR
 PROJECT DEVELOPMENT DIVISION
 FEDERAL FUNDS
 HIGHWAY FUNDS
 OTHER FUNDS
 TOTAL

55162,579 55162,579
 42247,393 43409,445
 15369,295 15707,260
 112779,267 114279,284

04 TRANSPORTATION
 01 DEPARTMENT OF TRANSPORTATION
 04 PUBLIC WORKS & TRANS DIVISION
 02 PUBLIC WORKS BUREAU

STRIKE OUT * 25,000 5,000

STRIKE OUT
 *
 PUBLIC WORKS - ASBESTOS ABATEMENT
 THE FUNDS IN THIS APPROPRIATION ARE FOR THE
 SOLE PURPOSE OF ERADICATION OF ASBESTOS IN ANY
 STATE OWNED FACILITY AND SHALL NOT BE
 TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE
 AND SHALL NOT LAPSE UNTIL JUNE 30, 1993

TOTAL 1296,640 1308,271

ESTIMATED SOURCE OF FUNDS FOR
 PUBLIC WORKS BUREAU

STRIKE OUT 11,000

02 HIGHWAY FUNDS

STRIKE OUT 1280,640 1283,271

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND 1266,640 1278,271
 TOTAL 1296,640 1308,271

TOTAL

2592,891

2649,383

AMENDMENTS .0
HB25
PAGE 121 05/24/91

	FISCAL YEAR 1992	FISCAL YEAR 1993
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04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
05 AERONAUTICS DIVISION

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
07 OTHER HIGHWAY SUPPORT
01 SPECIAL RETIREMENT

STRIKE OUT
96 HOSPITALIZATION GRP LIFE INS
INSERT IN PLACE THEREOF
96 HOSPITALIZATION GRP LIFE INS

1935, 170	2042, 678
2418, 962	2553, 348

2555, 025

2420, 551

TOTAL	100.00
ESTIMATED SOURCE OF FUNDS FOR	
SPECIAL RETIREMENT	
STRIKE OUT	
HIGHWAY FUND	
INSERT IN PLACE THEREOF	
HIGHWAY FUND	
TOTAL	100.00

2044, 355
2555, 025
2555, 025

1936, 759
2420, 551
2420, 551

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
07 OTHER HIGHWAY SUPPORT
04 TRANSFERS TO OTHER AGENCIES

STRIKE OUT
90 DEPARTMENT OF SAFETY
INSERT IN PLACE THEREOF
90 DEPARTMENT OF SAFETY
STRIKE OUT
92 OUT - PUBLIC WORKS - ASBESTOS
STRIKE OUT
94 DES -- WATER RESOURCES
INSERT IN PLACE THEREOF
94 DES -- WATER RESOURCES

31464, 699	31849, 883
31854, 699	32254, 883
11, 000	
22, 050	22, 050
27, 008	28, 333

31849, 883

31849, 883

AMENDMENTS TO PAGE 122 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
07 OTHER HIGHWAY SUPPORT
04 TRANSFERS TO OTHER AGENCIES
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT
95 H&HS - EXPERT WITNESS PROGRAM 145,562
INSERT IN PLACE THEREOF 385,562
95 H&HS - EXPERT WITNESS PROGRAM
STRIKE OUT
98 BOARD OF LAND & TAX APPEALS 228,135
INSERT IN PLACE THEREOF
98 BOARD OF LAND & TAX APPEALS 275,600

TOTAL 35439,002 35611,402

ESTIMATED SOURCE OF FUNDS FOR
TRANSFERS TO OTHER AGENCIES

STRIKE OUT
HIGHWAY FUND 35001,141
INSERT IN PLACE THEREOF 35611,402
HIGHWAY FUND 35611,402
TOTAL

TOTAL 39675,513 40051,596

ESTIMATED SOURCE OF FUNDS FOR
OTHER HIGHWAY SUPPORT

HIGHWAY FUNDS 40051,596
TOTAL 39675,513 40051,596

TOTAL 280586,440 281306,330

ESTIMATED SOURCE OF FUNDS FOR
DEPARTMENT OF TRANSPORTATION

FEDERAL FUNDS 59752,113
GENERAL FUNDS 2604,948
HIGHWAY FUNDS 153121,074
OTHER FUNDS 20910,392
TURNPIKES FUNDS 44197,913
TOTAL 280586,440 281306,330

TOTAL 280923,416 281645,347

ESTIMATED SOURCE OF FUNDS FOR
TRANSPORTATION

AMENDMENTS - PAGE 123 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

04 TRANSPORTATION

(CONT.)

FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
OTHER FUNDS
TURNPIKES FUNDS
TOTAL

59752,113
2810,509
153121,074
210411,807
44197,913
280923,416
59790,109
2628,004
154499,407
21717,789
42810,038
281645,347

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
01 OFFICE OF THE COMMISSIONER
01 COMMISSIONER'S OFFICE

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF

201,363

201,363

10 PERSONAL SERVICES - PERMANENT
STRIKE OUT

289,527

289,527

20 CURRENT EXPENSES
INSERT IN PLACE THEREOF

31,636

31,636

20 CURRENT EXPENSES
STRIKE OUT

47,482

47,482

28 TRANSFERS TO GENERAL SERVICES D
INSERT IN PLACE THEREOF

31,970

31,970

28 TRANSFERS TO GENERAL SERVICES D
STRIKE OUT

38,820

38,820

60 BENEFITS
INSERT IN PLACE THEREOF

81,771

81,771

60 BENEFITS
STRIKE OUT

108,919

108,919

70 IN-STATE TRAVEL
INSERT IN PLACE THEREOF

137

137

70 IN-STATE TRAVEL
INSERT

2,198

2,086

80 OUT-OF STATE TRAVEL
STRIKE OUT

1,575

1,500

91 CHILD CARE PROVIDER TRAINING G

99,000

99,000

AMENDMENTS HB25	PAGE	125	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 01 OFFICE OF THE COMMISSIONER 03 OFFICE OF ALCOHOL & DRUG PREVE 01 ADMINISTRATION & SUPPORT (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF				47,630	50,008
49 TRANSFERS TO OTHER STATE AGENCIES 0					
TOTAL				371,828	375,691
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 01 OFFICE OF THE COMMISSIONER 03 OFFICE OF ALCOHOL & DRUG PREVE 02 TREATMENT & PREVENTION - STATE					
STRIKE OUT					
28 TRANSFERS TO GENERAL SERVICES				571	609
INSERT IN PLACE THEREOF					
28 TRANSFERS TO GENERAL SERVICES 0				571	609
TOTAL				1421,009	1949,173
ESTIMATED SOURCE OF FUNDS FOR TREATMENT & PREVENTION - STATE					
STRIKE OUT					
02 HIGHWAY FUNDS				327,073	325,202
INSERT IN PLACE THEREOF					
02 HIGHWAY FUNDS				327,073	325,202
TOTAL				1421,009	1949,173
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 01 OFFICE OF THE COMMISSIONER 03 OFFICE OF ALCOHOL & DRUG PREVE 07 MULTIPLE OFFENDER PROGRAM					
STRIKE OUT					
21 FOOD INSTITUTIONS				30,000	30,000
INSERT IN PLACE THEREOF					
21 FOOD INSTITUTIONS 0				30,000	30,000
TOTAL				716,409	730,480

AMENDMENTS TO
HB25 PAGE 126 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
01 OFFICE OF THE COMMISSIONER
03 OFFICE OF ALCOHOL & DRUG PREVE
07 MULTIPLE OFFENDER PROGRAM

(CONT.)
(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
01 OFFICE OF THE COMMISSIONER
03 OFFICE OF ALCOHOL & DRUG PREVE
09 HIV INTERVENTION

STRIKE OUT
22 RENT&LEASES OTHER THAN STATE
INSERT IN PLACE THEREOF
22 RENTS&LEASES OTHER THAN STATE

TOTAL

47,361

48,631

TOTAL

4838,670

5390,802

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF ALCOHOL & DRUG PREVE
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

2002,561
1681,134
1154,975
4838,670

2002,564
2219,773
1168,445
5390,802

TOTAL

14171,068

14829,239

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF THE COMMISSIONER
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

4560,912
8355,181
1154,975
14171,068

TOTAL

4687,547
8973,247
1168,445
14829,239

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
02 DIV OF PUBLIC HEALTH SERVICES
01 ADMINISTRATION & SUPPORT
01 OFFICE OF DIRECTOR

STRIKE OUT

2,550

2,550

42 TRANSFER TO COLA

AMENDMENTS J PAGE 127 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
02 DIV OF PUBLIC HEALTH SERVICES
01 ADMINISTRATION & SUPPORT
01 OFFICE OF DIRECTOR

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
42 TRANSFER TO COLA
INSERT
90 POISON CENTER PHONE LINE

2,550
19,000

2,550
19,000

698,686

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF DIRECTOR

678,230

STRIKE OUT

GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

531,748
550,748
678,230

552,204
571,204
698,686

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
02 DIV OF PUBLIC HEALTH SERVICES
01 ADMINISTRATION & SUPPORT
02 VITAL RECORDS

ESTIMATED SOURCE OF FUNDS FOR
VITAL RECORDS

STRIKE OUT
06 AGENCY INCOME
INSERT IN PLACE THEREOF
06 AGENCY INCOME
TOTAL

100,000
100,000
624,573

100,000
100,000
620,753
1441,939

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION & SUPPORT
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

1421,294
245,973
1075,321
100,000
1421,294

249,982
1091,957
100,000
1441,939

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
02 DIV OF PUBLIC HEALTH SERVICES
02 HEALTH PROTECTION
01 EMERGENCY MEDICAL SERVICES

STRIKE OUT

42 TRANSFER TO COLA

7,176

7,258

AMENDMENTS TO	PAGE	128	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
H825						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)		
02 DIV OF PUBLIC HEALTH SERVICES				(CONT.)		
02 HEALTH PROTECTION				(CONT.)		
01 EMERGENCY MEDICAL SERVICES				(CONT.)		
INSERT IN PLACE THEREOF						
42 TRANSFER TO COLA				7,176		7,258
STRIKE OUT						
94 CONTRACTS				45,113		45,113
INSERT IN PLACE THEREOF						
94 CONTRACTS				105,000		45,113
TOTAL					910,220	876,884
ESTIMATED SOURCE OF FUNDS FOR						
EMERGENCY MEDICAL SERVICES						
STRIKE OUT						
GENERAL FUND					174,680	201,231
INSERT IN PLACE THEREOF						
GENERAL FUND					234,567	201,231
TOTAL					910,220	876,884
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
02 HEALTH PROTECTION						
02 HEALTH FACILITIES ADMIN						
STRIKE OUT						
42 TRANSFER TO COLA				6,715		6,315
INSERT IN PLACE THEREOF						
42 TRANSFER TO COLA				6,715		6,315
TOTAL					1133,672	1139,467
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
02 HEALTH PROTECTION						
03 HEALTH PROMOTION						
STRIKE OUT						
42 TRANSFER TO COLA				4,459		4,424

AMENDMENTS TO	PAGE	129	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)		
02 DIV OF PUBLIC HEALTH SERVICES				(CONT.)		
02 HEALTH PROTECTION				(CONT.)		
03 HEALTH PROMOTION				(CONT.)		
INSERT IN PLACE THEREOF						
42 TRANSFER TO COLA				4,459	4,424	
STRIKE OUT						
92 CANCER PRVNTN/HEALTH PROMO				65,406	65,406	
INSERT IN PLACE THEREOF						
92 CANCER PRVNTN/HEALTH PROMO				129,816	129,816	
TOTAL				638,234	636,823	
ESTIMATED SOURCE OF FUNDS FOR						
HEALTH PROMOTION						
STRIKE OUT						
GENERAL FUND				165,883	164,472	
INSERT IN PLACE THEREOF				230,293	228,882	
GENERAL FUND				638,234	636,823	
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
02 HEALTH PROTECTION						
04 CHILD CARE STDS & LICENSING						
STRIKE OUT						
42 TRANSFER TO COLA				5,856	5,846	
INSERT IN PLACE THEREOF						
42 TRANSFER TO COLA				5,856	5,846	
TOTAL				562,819	561,512	
TOTAL				3718,526	3691,667	
ESTIMATED SOURCE OF FUNDS FOR						
HEALTH PROTECTION						
FEDERAL FUNDS				2198,821	2204,414	
GENERAL FUNDS				1046,124	1010,272	
OTHER FUNDS				473,581	476,981	
TOTAL				3718,526	3691,667	
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
03 DISEASE PREVENTION & CONTROL						
01 DISEASE CONTROL						
INSERT						
92 CONTR W NORRIS COTTON CANCER C				105,000	105,000	

AMENDMENTS TO PAGE 131 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
02 DIV OF PUBLIC HEALTH SERVICES
03 DISEASE PREVENTION & CONTROL
02 LAB TESTING HIV/AIDS

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
02 DIV OF PUBLIC HEALTH SERVICES
03 DISEASE PREVENTION & CONTROL
03 PUBLIC HEALTH LABORATORIES

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	797,596		
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	797,596	807,080	
STRIKE OUT			
20 CURRENT EXPENSES	214,981		
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	214,981	215,897	
STRIKE OUT			
22 RENTS&LEASES OTHER THAN STATE	950		
INSERT IN PLACE THEREOF			
22 RENTS&LEASES OTHER THAN STATE	950	1,000	
STRIKE OUT			
24 MAINT.OTHER THAN BUILD. & GRNDS	29,990		
INSERT IN PLACE THEREOF			
24 MAINT.OTHER THAN BUILD. & GRNDS	29,990	26,475	
STRIKE OUT			
28 TRANSFERS TO GENERAL SERVICES D	137,941		
INSERT IN PLACE THEREOF			
28 TRANSFERS TO GENERAL SERVICES D	137,941	138,232	
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	6,655		
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT	6,655	5,000	
STRIKE OUT			
40 INDIRECT COSTS E	20,561		
INSERT IN PLACE THEREOF			
40 INDIRECT COSTS E	20,561	20,451	
STRIKE OUT			
50 PERSONAL SERVICE-TEMP/APPOINTE	39,049		

AMENDMENTS TO	PAGE	132	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25					
05 HEALTH AND SOCIAL SERVICES					
01 DEPT OF HEALTH AND HUMAN SVCS					
02 DIV OF PUBLIC HEALTH SERVICES					
03 DISEASE PREVENTION & CONTROL					
03 PUBLIC HEALTH LABORATORIES					
			(CONT.)		
			(CONT.)		
			(CONT.)		
			(CONT.)		
INSERT IN PLACE THEREOF			39,049		39,615
STRIKE OUT					
60 BENEFITS			242,266		
INSERT IN PLACE THEREOF					
60 BENEFITS			242,266		245,155
STRIKE OUT					
70 IN-STATE TRAVEL			3,000		
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL			3,000		3,000
STRIKE OUT					
80 OUT-OF STATE TRAVEL			2,000		
INSERT IN PLACE THEREOF					
80 OUT-OF STATE TRAVEL			2,000		2,000
STRIKE OUT					
97 GRANTS & CONTRACTS			49,720		300,000
INSERT IN PLACE THEREOF					
97 GRANTS & CONTRACTS			49,720		55,379
INSERT					
98 TESTING FOR DRUGGED DRIVING			240,000		
TOTAL				1784,709	1559,284
ESTIMATED SOURCE OF FUNDS FOR					
PUBLIC HEALTH LABORATORIES					
STRIKE OUT					
01 OTHER AGENCY FUNDS				25,420	
INSERT IN PLACE THEREOF					
01 OTHER AGENCY FUNDS				25,420	25,420
STRIKE OUT					
02 HIGHWAY FUNDS				145,562	
INSERT IN PLACE THEREOF					
02 HIGHWAY FUNDS				385,562	153,649
STRIKE OUT					
05 PRIVATE LOCAL FUNDS				637,823	
INSERT IN PLACE THEREOF					
05 PRIVATE LOCAL FUNDS				637,823	634,549
STRIKE OUT					
GENERAL FUND				735,904	300,000

AMENDMENTS 10 PAGE 133 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
03 DISEASE PREVENTION & CONTROL			
03 PUBLIC HEALTH LABORATORIES			
INSERT IN PLACE THEREOF			
GENERAL FUND	735,904		745,666
TOTAL	1784,709		1559,284
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
03 DISEASE PREVENTION & CONTROL			
04 IMMUNIZATION PROGRAM - STATE			
STRIKE OUT	44,855		
10 PERSONAL SERVICES - PERMANENT			
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	44,855		44,855
STRIKE OUT			
20 CURRENT EXPENSES	2,000		
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	2,000		3,000
STRIKE OUT			
24 MAINT. OTHER THAN BUILD. & GRNDS	500		
INSERT IN PLACE THEREOF			
24 MAINT. OTHER THAN BUILD. & GRNDS	500		500
STRIKE OUT			
26 TRANSFERS TO GENERAL SERVICES	7,933		
INSERT IN PLACE THEREOF			
28 TRANSFERS TO GENERAL SERVICES	7,933		7,955
STRIKE OUT			
60 BENEFITS	13,457		
INSERT IN PLACE THEREOF			
60 BENEFITS	13,457		13,457
STRIKE OUT			
90 VACCINES	301,607		
INSERT IN PLACE THEREOF			
90 VACCINES	952,607		944,852
TOTAL	1021,352		1014,619
ESTIMATED SOURCE OF FUNDS FOR			
IMMUNIZATION PROGRAM - STATE			

(CONT.)
(CONT.)
(CONT.)
(CONT.)

AMENDMENTS TO PAGE 135 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 02 DIV OF PUBLIC HEALTH SERVICES 03 DISEASE PREVENTION & CONTROL 09 HIV/AIDS PREVENTION - FEDERAL (CONT.)				
01 DEPT OF HEALTH AND HUMAN SVCS (CONT.)				
02 DIV OF PUBLIC HEALTH SERVICES (CONT.)				
03 DISEASE PREVENTION & CONTROL (CONT.)				
09 HIV/AIDS PREVENTION - FEDERAL (CONT.)				
INSERT IN PLACE THEREOF	3,323		3,372	
42 TRANSFER TO COLA				
STRIKE OUT				
49 TRANSFERS TO OTHER STATE AGENCS	47,361		48,631	
INSERT IN PLACE THEREOF				
49 TRANSFERS TO OTHER STATE AGENCS	47,361		48,631	
TOTAL		629,890		633,618
TOTAL		4903,057		4591,766
ESTIMATED SOURCE OF FUNDS FOR DISEASE PREVENTION & CONTROL FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS		1001,881 2196,946 1704,230 4903,057		1008,792 2213,601 1469,173 4691,766
TOTAL				
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 02 DIV OF PUBLIC HEALTH SERVICES 04 FAMILY AND COMMUNITY HEALTH 01 MATERNAL AND CHILD HEALTH				
01 DEPT OF HEALTH AND HUMAN SVCS (CONT.)				
02 DIV OF PUBLIC HEALTH SERVICES (CONT.)				
04 FAMILY AND COMMUNITY HEALTH (CONT.)				
01 MATERNAL AND CHILD HEALTH (CONT.)				
STRIKE OUT				
42 TRANSFER TO COLA	4,226		4,094	
INSERT IN PLACE THEREOF				
42 TRANSFER TO COLA	4,226		4,094	
STRIKE OUT				
90 PRENATAL PROGRAM	575,387		575,387	
INSERT IN PLACE THEREOF				
90 PRENATAL PROGRAM	675,387		675,387	
STRIKE OUT				
91 CHILD HEALTH PROGRAM	780,327		780,327	
INSERT IN PLACE THEREOF				
91 CHILD HEALTH PROGRAM	791,839		791,839	
INSERT				
92 PERINATAL PROGRAM	40,035		40,035	

AMENDMENTS TO	PAGE	136	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
H825						
05 HEALTH AND SOCIAL SERVICES				(CONT.)		
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)		
02 DIV OF PUBLIC HEALTH SERVICES				(CONT.)		
04 FAMILY AND COMMUNITY HEALTH				(CONT.)		
01 MATERNAL AND CHILD HEALTH						
TOTAL					2280,407	2279,602
ESTIMATED SOURCE OF FUNDS FOR						
MATERNAL AND CHILD HEALTH						
STRIKE OUT					1146,276	1145,471
GENERAL FUND						
INSERT IN PLACE THEREOF					1297,823	1297,018
GENERAL FUND					2280,407	2279,602
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
04 FAMILY AND COMMUNITY HEALTH						
02 SPECIAL MEDICAL SERVICES						
STRIKE OUT				5,758		5,599
42 TRANSFER TO COLA						
INSERT IN PLACE THEREOF				5,758		5,599
42 TRANSFER TO COLA			0			
STRIKE OUT						
59 PART-TIME - BENEFITTED				34,564		34,564
INSERT IN PLACE THEREOF						
59 PART-TIME - BENEFITTED				60,324		60,324
STRIKE OUT						
60 BENEFITS				226,255		226,810
INSERT IN PLACE THEREOF				233,983		234,538
60 BENEFITS						
STRIKE OUT				79,142		79,142
92 NEWBORN SCREENING						
INSERT IN PLACE THEREOF				130,000		130,000
92 NEWBORN SCREENING						
STRIKE OUT				250,000		250,000
94 MEDICAL/DRUGS						
INSERT IN PLACE THEREOF				241,512		241,512
94 CATASTROPHIC ILLNESS PROGRAM						
TOTAL				2656,610		2656,384

AMENDMENTS	PAGE	137	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)		
02 DIV OF PUBLIC HEALTH SERVICES				(CONT.)		
04 FAMILY AND COMMUNITY HEALTH				(CONT.)		
02 SPECIAL MEDICAL SERVICES				(CONT.)		
ESTIMATED SOURCE OF FUNDS FOR						
STRIKE OUT					1710,157	1711,931
GENERAL FUND						
INSERT IN PLACE THEREOF					1786,015	1787,789
GENERAL FUND					2656,610	2658,384
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
04 FAMILY AND COMMUNITY HEALTH						
03 WIC-SUPPLEMENTAL FOOD PROGRAM						
STRIKE OUT						
42 TRANSFER TO COLA				5,996		6,071
INSERT IN PLACE THEREOF						
42 TRANSFER TO COLA				5,996		6,071
TOTAL					7883,268	8197,763
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
04 FAMILY AND COMMUNITY HEALTH						
04 FAMILY PLANNING PROGRAM						
STRIKE OUT						
42 TRANSFER TO COLA				1,386		1,342
INSERT IN PLACE THEREOF						
42 TRANSFER TO COLA				1,386		1,342
TOTAL					1551,894	1554,330
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
04 FAMILY AND COMMUNITY HEALTH						
05 WIC - GENERAL FUNDS						
STRIKE OUT						
98 GRANTS & CONTRACTS				89,000		89,000

AMENDMENT NO.	PAGE	139	05/24/91	FISCAL YEAR 1992		FISCAL YEAR 1993	
HB25							
05 HEALTH AND SOCIAL SERVICES (CONT.)							
01 DEPT OF HEALTH AND HUMAN SVCS (CONT.)							
02 DIV OF PUBLIC HEALTH SERVICES (CONT.)							
05 ENVIRONMENTAL HLTH & H2D ASSES (CONT.)							
05 ASBESTOS SCHOOL INSPECTIONS (CONT.)							
INSERT IN PLACE THEREOF				1,374	1,434		
42 TRANSFER TO COLA							
TOTAL				98,562		98,609	
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS							
02 DIV OF PUBLIC HEALTH SERVICES							
05 ENVIRONMENTAL HLTH & H2D ASSES							
07 RADIOLOGICAL HEALTH							
ESTIMATED SOURCE OF FUNDS FOR RADIOLOGICAL HEALTH							
INSERT							
01 OTHER AGENCY FUNDS				81,000		81,000	
STRIKE OUT							
GENERAL FUND				278,169		282,572	
INSERT IN PLACE THEREOF							
GENERAL FUND				320,125		201,572	
TOTAL						324,528	
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS							
02 DIV OF PUBLIC HEALTH SERVICES							
05 ENVIRONMENTAL HLTH & H2D ASSES							
08 EMERGENCY RESPONSE							
STRIKE OUT							
41 AUDIT FUND SET ASIDE				298		306	
INSERT IN PLACE THEREOF							
41 AUDIT FUND SET ASIDE				298		306	
STRIKE OUT							
42 TRANSFER TO COLA				4,148		4,263	
INSERT IN PLACE THEREOF							
42 TRANSFER TO COLA				4,148		4,263	
TOTAL				296,740		296,826	

AMENDMENTS TO HB25	PAGE	140	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 02 DIV OF PUBLIC HEALTH SERVICES 05 ENVIRONMENTAL HLTH & H2O ASSES 08 EMERGENCY RESPONSE ESTIMATED SOURCE OF FUNDS FOR EMERGENCY RESPONSE				(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
STRIKE OUT					296,740	296,826
01 OTHER AGENCY FUNDS						
INSERT IN PLACE THEREOF					296,740	296,826
01 OTHER AGENCY FUNDS					296,740	296,826
TOTAL						
TOTAL					1987,939	1923,166
ESTIMATED SOURCE OF FUNDS FOR ENVIRONMENTAL HLTH & H2O ASSES FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL					165,966 898,975 922,998 1987,939	166,042 830,102 927,022 1923,166
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 02 DIV OF PUBLIC HEALTH SERVICES 06 BOARD OF NURSES REGISTRATION 01 NURSES REGISTRATION ESTIMATED SOURCE OF FUNDS FOR NURSES REGISTRATION						
STRIKE OUT					1,800	2,100
06 AGENCY INCOME						
INSERT IN PLACE THEREOF					1,800	2,100
06 AGENCY INCOME					350,474	350,876
TOTAL						
TOTAL					350,474	350,876
ESTIMATED SOURCE OF FUNDS FOR BOARD OF NURSES REGISTRATION GENERAL FUNDS OTHER FUNDS TOTAL					348,674 1,800 350,474	348,776 2,100 350,876
TOTAL					26842,569	26878,593

AMENDMENTS TO PAGE 141 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
02 DIV OF PUBLIC HEALTH SERVICES
(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
DIV OF PUBLIC HEALTH SERVICES
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

14218,324
9421,636
3202,609
26842,569
14549,408
9353,909
2975,276
26876,393

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
02 BUREAU OF CHILDREN
01 BUREAU OF CHILDREN

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT 6111,309 6221,414
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT * 6111,309 6221,414

INSERT

*
THE DIVISION MAY TRANSFER UP TO \$200,000 IN FUNDS, WHICH WOULD OTHERWISE LAPSE TO THE SALARY ADJUSTMENT FUND FROM CLASS 10, PERSONAL SERVICES--PERMANENT IN COMPONENTS 0501030201 AND OR 0501030209 TO CLASS 91, TRAINING, IN COMPONENT 0501030201 TO PROVIDE TRAINING FOR SOCIAL WORKERS AND JUVENILE SERVICE OFFICERS

TOTAL 8380,760 8523,499

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
02 BUREAU OF CHILDREN
04 C+Y TITLE IVE GRANTS

STRIKE OUT
41 AUDIT FUND SET ASIDE D 1,974 2,305

AMENDMENTS
HB25 PAGE 143 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
02 BUREAU OF CHILDREN
06 REFUGEE ASSISTANCE GRANTS
(CONT.)
(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
02 BUREAU OF CHILDREN
08 FAMILY SUPPORT SYSTEMS

STRIKE OUT			
41 AUDIT FUND SET ASIDE	2,050	2,500	
INSERT IN PLACE THEREOF			
41 AUDIT FUND SET ASIDE	2,050	2,500	
TOTAL	2791,552		3242,002

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
02 BUREAU OF CHILDREN
09 JUVENILE SERVICES

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	1556,726	1578,785	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT *	1556,726	1578,785	

INSERT
* THE DIVISION MAY TRANSFER UP TO \$200,000 IN FUNDS WHICH WOULD OTHERWISE LAPSE TO THE SALARY ADJUSTMENT FUND FROM CLASS 10, PERSONAL SERVICES-PERMANENT IN COMPONENTS 0501030201 AND OR 0501030209 TO CLASS 91, TRAINING IN COMPONENT 0501030201 TO PROVIDE TRAINING FOR SOCIAL WORKERS AND JUVENILE SERVICE OFFICERS.

TOTAL	2298,964		2310,439
-------	----------	--	----------

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
02 BUREAU OF CHILDREN
10 TEEN INDEPENDENT LIVING

STRIKE OUT			
42 TRANSFER TO COLA	2,475	2,555	

AMENDMENTS TO PAGE 145 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
03 DIV FOR CHILDREN & YOUTH SVCS			
05 BUREAU OF RESIDENTIAL SERVICES			
07 REHABILITATIVE EDUCATION			
	(CONT.)		
	(CONT.)		
	(CONT.)		
	(CONT.)		
	(CONT.)		
INSERT IN PLACE THEREOF	76,892	26,892	
94 EDUCATIONAL MATERIALS			
TOTAL	1342,818	1633,828	
ESTIMATED SOURCE OF FUNDS FOR			
REHABILITATIVE EDUCATION			
STRIKE OUT			
05 PRIVATE LOCAL FUNDS	344,800	345,728	
INSERT IN PLACE THEREOF			
05 PRIVATE LOCAL FUNDS	473,677	540,096	
STRIKE OUT			
GENERAL FUND	368,012	370,854	
INSERT IN PLACE THEREOF	804,383	1028,974	
GENERAL FUND	1342,818	1633,828	
TOTAL			
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
03 DIV FOR CHILDREN & YOUTH SVCS			
05 BUREAU OF RESIDENTIAL SERVICES			
13 ADULT BASIC EDUCATION			
STRIKE OUT			
42 TRANSFER TO COLA	100	100	
INSERT IN PLACE THEREOF			
42 TRANSFER TO COLA	100	100	
TOTAL	6,000	6,000	
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
03 DIV FOR CHILDREN & YOUTH SVCS			
05 BUREAU OF RESIDENTIAL SERVICES			
15 YSC - JUVENILE DETENTION UNIT			
STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	752,396	767,551	

AMENDMENTS TO		PAGE	146	05/24/91	----- FISCAL YEAR 1992 -----		----- FISCAL YEAR 1993 -----	
HB25								
05 HEALTH AND SOCIAL SERVICES								
01 DEPT OF HEALTH AND HUMAN SVCS								
03 DIV FOR CHILDREN & YOUTH SVCS								
05 BUREAU OF RESIDENTIAL SERVICES								
15 YSC - JUVENILE DETENTION UNIT								
(CONT.)								
(CONT.)								
(CONT.)								
INSERT IN PLACE THEREOF								
10 PERSONAL SERVICES - PERMANENT								
INSERT								
20 CURRENT EXPENSES								
INSERT								
30 EQUIPMENT NEW/REPLACEMENT								
STRIKE OUT								
46 CONSULTANTS								
INSERT IN PLACE THEREOF								
46 CONSULTANTS								
INSERT								
48 CONTRACTUAL MAINT. - BUILD&GRNDS G								
STRIKE OUT								
50 PERSONAL SERVICE-TEMP/APPOINTE								
INSERT IN PLACE THEREOF								
50 PERSONAL SERVICE-TEMP/APPOINTE								
STRIKE OUT								
60 BENEFITS								
INSERT IN PLACE THEREOF								
60 BENEFITS								
INSERT								
91 TRAINING								
INSERT								
94 EDUCATIONAL MATERIALS								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
YSC - JUVENILE DETENTION UNIT								
STRIKE OUT								
05 COUNTY FUNDS								
INSERT IN PLACE THEREOF								
05 COUNTY FUNDS								
STRIKE OUT								
GENERAL FUND								
INSERT IN PLACE THEREOF								
GENERAL FUND								
TOTAL								
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AMENDMENTS 70
HB25 PAGE 147 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
15 YSC - JUVENILE DETENTION UNIT

(CONT.)
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TOTAL	11121,236		
ESTIMATED SOURCE OF FUNDS FOR			
BUREAU OF RESIDENTIAL SERVICES			
GENERAL FUNDS	7195,191		
OTHER FUNDS	3926,045		
TOTAL	11121,236		60600,397
TOTAL	10787,790	59114,633	
ESTIMATED SOURCE OF FUNDS FOR			
DIV FOR CHILDREN & YOUTH SVCS			
FEDERAL FUNDS	6933,143	11405,509	12148,299
GENERAL FUNDS	3854,647	36600,967	37243,523
OTHER FUNDS	10787,790	11108,157	11208,575
TOTAL		59114,633	60600,397

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
02 PROGRAM OPERATIONS
02 MEDICAL SERVICES

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	1559,040		1565,842
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	1615,044		1621,846
STRIKE OUT			
60 BENEFITS	487,314		489,355
INSERT IN PLACE THEREOF			
60 BENEFITS	504,115		506,156

5893,815 5902,754

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
MEDICAL SERVICES
STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF
FEDERAL FUNDS

3720,163 3724,681
3774,767 3779,285

AMENDMENTS TO PAGE 148 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
02 PROGRAM OPERATIONS
02 MEDICAL SERVICES

(CONT.)
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STRIKE OUT			
GENERAL FUND	1926,847		1931,268
INSERT IN PLACE THEREOF			
GENERAL FUND	1945,048		1949,469
TOTAL	5893,815		5902,754

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
02 PROGRAM OPERATIONS
03 SUPPORT ENFORCEMENT

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	3419,032	3476,431	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	2822,190	2854,330	
STRIKE OUT			
20 CURRENT EXPENSES	124,000	126,900	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	95,000	95,000	
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	90,700		
STRIKE OUT			
60 BENEFITS	1025,710	1042,929	
INSERT IN PLACE THEREOF			
60 BENEFITS	846,657	856,299	
STRIKE OUT			
70 IN-STATE TRAVEL	31,200	35,100	
TOTAL	4581,315		4648,362

ESTIMATED SOURCE OF FUNDS FOR
SUPPORT ENFORCEMENT

STRIKE OUT		
FEDERAL FUNDS	3642,924	3652,980
INSERT IN PLACE THEREOF		
FEDERAL FUNDS	3057,418	3100,483
STRIKE OUT		
GENERAL FUND	1412,586	1407,713

AMENDMENTS TO PAGE 149 05/24/91
HB25

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
02 PROGRAM OPERATIONS
03 SUPPORT ENFORCEMENT

INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
PROGRAM OPERATIONS
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
03 FIELD OPERATIONS
02 REGION I

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
REGION I

STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF
FEDERAL FUNDS
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

(CONT.)
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1071,297
4581,315
14513,029

1084,479
4648,362
14605,350

8902,765
4923,664
686,600
14513,029
8964,228
4943,722
697,400
14605,350

1129,549
1152,266
338,865
345,686

1141,123
1164,796
342,337
349,439

1508,839

674,149
688,928
805,132
819,911

1525,214

681,058
696,446
813,381
828,768

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 150 05/24/91
HB25

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
03 FIELD OPERATIONS
02 REGION I

TOTAL

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
03 FIELD OPERATIONS
03 REGION II

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
REGION II

STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF
FEDERAL FUNDS
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
FIELD OPERATIONS
FEDERAL FUNDS
GENERAL FUNDS

TOTAL

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
04 FINANCIAL GRANTS
01 AID TO FAMILIES W/ DEPENDENTS

STRIKE OUT
41 ADOPT FUND SET ASIDE

(CONT.)
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1508,839

1525,214

1422,433
1445,170
426,730
433,551

1435,245
1458,918
430,574
437,676

1892,408

1910,404

848,939
863,718
1013,911
1028,690
1892,408

856,586
871,974
1023,043
1038,430
1910,404

7462,385
3495,460
3966,925
7462,385

7526,397
3524,745
4001,652
7526,397

25,330

24,517

AMENDMENTS TO	PAGE	151	05/24/91	HB25	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 04 DIVISION OF HUMAN SERVICES 04 FINANCIAL GRANTS 01 AID TO FAMILIES W/ DEPENDENTS					(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)	
INSERT IN PLACE THEREOF						
41 AUDIT FUND SET ASIDE	D				25,107	25,213
STRIKE OUT						
90 AFDC					50009,496	48434,184
INSERT IN PLACE THEREOF						
90 AFDC					49414,601	50426,941
STRIKE OUT						
91 EMERGENCY ASSISTANCE PROGRAM					600,000	600,000
INSERT IN PLACE THEREOF						
91 EMERGENCY ASSISTANCE PROGRAM	F				800,000	
TOTAL					50239,708	50452,154
ESTIMATED SOURCE OF FUNDS FOR AID TO FAMILIES W/ DEPENDENTS						
STRIKE OUT						
FEDERAL FUNDS					25330,078	24541,609
INSERT IN PLACE THEREOF						
FEDERAL FUNDS					25132,408	25238,684
STRIKE OUT						
09 AGENCY INCOME	I				2187,931	2187,931
INSERT IN PLACE THEREOF						
09 AGENCY INCOME	I				1600,000	1600,000
STRIKE OUT						
GENERAL FUND					23116,817	22329,161
INSERT IN PLACE THEREOF						
GENERAL FUND					23507,300	23613,470
TOTAL					50239,708	50452,154
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 04 DIVISION OF HUMAN SERVICES 04 FINANCIAL GRANTS 05 MEDICAL GRANTS						
STRIKE OUT						
41 AUDIT FUND SET ASIDE	D				41,704	43,394
INSERT IN PLACE THEREOF						
41 AUDIT FUND SET ASIDE	D				38,889	41,059

AMENDMENTS TO PAGE 152 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
04 FINANCIAL GRANTS
05 MEDICAL GRANTS

(CONT.)
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STRIKE OUT			
90 PROVIDER PAYMENT	77907,821	81287,593	
INSERT IN PLACE THEREOF			
90 PROVIDER PAYMENT	77777,391	82117,443	
STRIKE OUT			
91 HCBC ECI	5499,500	5499,500	
TOTAL	77816,280		82158,502
ESTIMATED SOURCE OF FUNDS FOR			
MEDICAL GRANTS			
STRIKE OUT			
FEDERAL FUNDS	41745,365		43436,941
INSERT IN PLACE THEREOF			
FEDERAL FUNDS	38927,585		41099,781
STRIKE OUT			
GENERAL FUND	40345,660		42035,546
INSERT IN PLACE THEREOF			
GENERAL FUND	37530,695		39700,721
TOTAL	77816,280		82158,502

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
04 FINANCIAL GRANTS
06 NURSING SERVICES

STRIKE OUT			
41 AUDIT FUND SET ASIDE	59,506	64,681	
INSERT IN PLACE THEREOF			
41 AUDIT FUND SET ASIDE	62,256	67,799	
INSERT			
91 HOME NURSING SERVICES	5499,500	6236,873	
TOTAL	124573,991		135665,797
ESTIMATED SOURCE OF FUNDS FOR			
NURSING SERVICES			
STRIKE OUT			
FEDERAL FUNDS	59565,624		64745,244

AMENDMENTS TO
HB25

PAGE 153 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
04 FINANCIAL GRANTS
06 NURSING SERVICES

(CONT.)
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INSERT IN PLACE THEREOF
FEDERAL FUNDS

62318,124

67866,798

STRIKE OUT

05 COUNTY FUNDS

36596,264

39778,547

INSERT IN PLACE THEREOF

05 COUNTY FUNDS

38287,358

41696,384

STRIKE OUT

GENERAL FUND

22909,853

24902,015

INSERT IN PLACE THEREOF

GENERAL FUND

23968,509

26102,615

124573,991

135665,797

TOTAL

270990,613

288113,851

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
FINANCIAL GRANTS

FEDERAL FUNDS

131463,217

139560,467

GENERAL FUNDS

93741,117

99019,239

OTHER FUNDS

45786,279

49534,145

TOTAL

270990,613

288113,851

TOTAL

296481,400

313931,705

ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF HUMAN SERVICES

FEDERAL FUNDS

145679,171

153955,709

GENERAL FUNDS

104329,350

109744,451

OTHER FUNDS

46472,879

50231,545

TOTAL

296481,400

313931,705

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
01 OFFICE OF DIRECTOR

STRIKE OUT

23 HEAT, ELECTRICITY AND WATER

399,406

415,382

INSERT IN PLACE THEREOF

23 HEAT, ELECTRICITY & WATER

399,406

415,382

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AMENDMENTS TO HB25	PAGE	154	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 01 OFFICE OF DIRECTOR				(CONT.) (CONT.) (CONT.) (CONT.)		
STRIKE OUT						
49 TRANSFER TO OTHER STATE AGENCY				265,180	277,471	
INSERT IN PLACE THEREOF						
49 TRANSFER TO OTHER STATE AGENCY D				265,180	277,471	
TOTAL				991,091		1019,618
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF DIRECTOR						
STRIKE OUT						
01 OTHER AGENCY INCOME				218,673		229,109
INSERT IN PLACE THEREOF						
01 OTHER AGENCY INCOME				218,673		229,109
STRIKE OUT						
06 AGENCY INCOME				55,000		57,745
INSERT IN PLACE THEREOF						
06 AGENCY INCOME				55,000		57,745
TOTAL				991,091		1019,618
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 02 FISCAL & PROGRAM ACCOUNTABILIT 02 OFFICE OF REIMBURSEMENTS						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				207,162	206,530	
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				345,357	349,124	
STRIKE OUT						
60 BENEFITS				62,838	62,670	
INSERT IN PLACE THEREOF						
60 BENEFITS				104,297	105,448	
TOTAL				479,654		485,372
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF REIMBURSEMENTS						
STRIKE OUT						
GENERAL FUND				300,000		300,000

AMENDMENTS .J PAGE 155 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
05 DIVISION OF MENTAL HEALTH			
02 FISCAL & PROGRAM ACCOUNTABILIT			
02 OFFICE OF REIMBURSEMENTS			
INSERT IN PLACE THEREOF			
GENERAL FUND	479,654		485,372
TOTAL	479,654		485,372
TOTAL	3461,614		3481,179
ESTIMATED SOURCE OF FUNDS FOR			
FISCAL & PROGRAM ACCOUNTABILIT			
FEDERAL FUNDS	234,972		234,972
GENERAL FUNDS	3226,642		3226,207
TOTAL	3461,614		3481,179
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
05 DIVISION OF MENTAL HEALTH			
03 BUREAU DEVELOPMENTAL SERVICES			
01 COMMUNITY DEVELOPMENTAL SERVIC			
STRIKE OUT			
41 AUDIT FUND SET ASIDE	6,282	6,596	
INSERT IN PLACE THEREOF			
41 AUDIT FUND SET ASIDE	6,460	6,774	
STRIKE OUT			
92 DAY PROGRAMS	18377,458	18615,450	
INSERT IN PLACE THEREOF			
92 DAY PROGRAMS	18804,958	19042,950	
TOTAL	24860,746		25179,205
ESTIMATED SOURCE OF FUNDS FOR			
COMMUNITY DEVELOPMENTAL SERVIC			
STRIKE OUT			
FEDERAL FUNDS	6288,293		6602,707
INSERT IN PLACE THEREOF			
FEDERAL FUNDS	6465,971		6780,385
STRIKE OUT			
GENERAL FUND	18144,775		18148,820
INSERT IN PLACE THEREOF			
GENERAL FUND	18394,775		18398,820

AMENDMENTS TO PAGE 156 05/24/91
H825

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES				
01 DEPT OF HEALTH AND HUMAN SVCS				
05 DIVISION OF MENTAL HEALTH	(CONT.)			
03 BUREAU DEVELOPMENTAL SERVICES	(CONT.)			
01 COMMUNITY DEVELOPMENTAL SERVIC	(CONT.)			
TOTAL		24860.746		25179.205
05 HEALTH AND SOCIAL SERVICES				
01 DEPT OF HEALTH AND HUMAN SVCS				
05 DIVISION OF MENTAL HEALTH				
03 BUREAU DEVELOPMENTAL SERVICES				
03 COMMUNITY RESIDENCES				
STRIKE OUT				
21 FOOD INSTITUTIONS		18,000		18,000
INSERT IN PLACE THEREOF				
21 FOOD INSTITUTIONS	D	18,000		18,000
STRIKE OUT				
23 HEAT, ELECTRICITY & WATER		20,000		20,000
INSERT IN PLACE THEREOF				
23 HEAT, ELECTRICITY & WATER	D	20,000		20,000
STRIKE OUT				
41 AUDIT FUND SET ASIDE	D	18,157		18,912
INSERT IN PLACE THEREOF				
41 AUDIT FUND SET ASIDE	D	18,335		19,090
STRIKE OUT				
93 COMMUNITY RESIDENCES		40731.085		42065.063
INSERT IN PLACE THEREOF				
93 COMMUNITY RESIDENCES		41158.585		42432.563
TOTAL		43890.877		45241.908
ESTIMATED SOURCE OF FUNDS FOR				
COMMUNITY RESIDENCES				
STRIKE OUT				
FEDERAL FUNDS		18036.592		18931.325
INSERT IN PLACE THEREOF				
FEDERAL FUNDS		18214.270		19109.003
STRIKE OUT				
GENERAL FUND		25426.607		25882.905
INSERT IN PLACE THEREOF				
GENERAL FUND		25676.607		26132.905
TOTAL		43890.877		45241.908

AMENDMENTS -- PAGE 157 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
03 BUREAU DEVELOPMENTAL SERVICES
03 COMMUNITY RESIDENCES
(CONT.)
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05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
03 BUREAU DEVELOPMENTAL SERVICES
05 NH ATEC

STRIKE OUT
20 CURRENT EXPENSES 135,500
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES 35,500

TOTAL 727,193 729,088

ESTIMATED SOURCE OF FUNDS FOR
NH ATEC
STRIKE OUT
GENERAL FUND 727,193 729,088
INSERT IN PLACE THEREOF
GENERAL FUND 627,193 629,088
TOTAL 727,193 729,088

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
03 BUREAU DEVELOPMENTAL SERVICES
06 MEDICAID COMPLIANCE

STRIKE OUT
42 TRANSFER TO COLA 516
INSERT IN PLACE THEREOF
42 TRANSFER TO COLA 516
TOTAL 348,212 351,566

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
03 BUREAU DEVELOPMENTAL SERVICES
08 HANDICAP FED ENTITLEMENT FDS

INSERT 328,320 328,320
91 GRANTS

AMENDMENTS TO	PAGE	158	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
H825						
05 HEALTH AND SOCIAL SERVICES				(CONT.)		
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)		
05 DIVISION OF MENTAL HEALTH				(CONT.)		
03 BUREAU DEVELOPMENTAL SERVICES				(CONT.)		
08 HANDICAP FED ENTITLEMENT FDS				(CONT.)		
TOTAL					328,320	328,320
ESTIMATED SOURCE OF FUNDS FOR						
HANDICAP FED ENTITLEMENT FDS						
INSERT						
01 OTHER FUNDS					328,320	328,320
TOTAL					328,320	328,320
TOTAL					77840,488	79617,007
ESTIMATED SOURCE OF FUNDS FOR						
BUREAU DEVELOPMENTAL SERVICES						
FEDERAL FUNDS					27920,728	29231,655
GENERAL FUNDS					49491,440	49957,032
OTHER FUNDS					428,320	428,320
TOTAL					77840,488	79617,007
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
05 DIVISION OF MENTAL HEALTH						
05 GLENCLIFF HOME FOR THE ELDERLY						
01 PROFESSIONAL CARE						
STRIKE OUT						
46 CONSULTANTS					62,000	62,000
INSERT IN PLACE THEREOF					93,275	93,275
46 CONSULTANTS						
TOTAL					2896,627	2992,762
ESTIMATED SOURCE OF FUNDS FOR						
PROFESSIONAL CARE						
STRIKE OUT						
FEDERAL FUNDS					1838,878	1948,857
STRIKE OUT						
09 AGENCY INCOME					345,000	363,000
STRIKE OUT						
GENERAL FUND					682,299	649,630
INSERT IN PLACE THEREOF						
GENERAL FUND					2896,627	2992,762

AMENDMENTS TO PAGE 159 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES (CONT.)
01 DEPT OF HEALTH AND HUMAN SVCS (CONT.)
05 DIVISION OF MENTAL HEALTH (CONT.)
05 GLENCLIFF HOME FOR THE ELDERLY (CONT.)
01 PROFESSIONAL CARE (CONT.)

2992,762

2896,627

TOTAL

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
05 GLENCLIFF HOME FOR THE ELDERLY
06 BIRCHWOOD COTTAGE

STRIKE OUT AFTER SOURCE OF FUNDS

DURING THE BIENNIIUM ENDING JUNE 30, 1993, IF
PROJECTED REVENUE TO GLENCLIFF HOME FOR THE
ELDERLY FROM THE BOARD AND CARE INCOME EXCEEDS
THE AMOUNT ESTIMATED, ANY SUCH EXCESS MAY BE EX
PENDED BY THE DIV OF MH & DS WITH APPROVAL OF
GOVERNOR AND COUNCIL. IF PROJECTED REVENUE IS
LESS THAN THE AMOUNT ESTIMATED, THE TOTAL
APPROPRIATION WILL NOT BE REDUCED AND WILL BE
AVAILABLE FOR EXPENDITURE AS BUDGETED.

TOTAL	4916,431	5057,613
ESTIMATED SOURCE OF FUNDS FOR		
GLENCLIFF HOME FOR THE ELDERLY		
FEDERAL FUNDS	55,595	55,595
GENERAL FUNDS	4849,967	4991,149
OTHER FUNDS	10,869	10,869
TOTAL	4916,431	5057,613

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
06 NEW HAMPSHIRE HOSPITAL
02 NHH - FACILITY/PATIENT SUPPORT

STRIKE OUT 4523,349 4518,057
10 PERSONAL SERVICES - PERMANENT

AMENDMENTS TO PAGE 161 05/24/91
HB25

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 05 DIVISION OF MENTAL HEALTH
 06 NEW HAMPSHIRE HOSPITAL
 04 ELDERLY SERVICES

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 05 DIVISION OF MENTAL HEALTH
 06 NEW HAMPSHIRE HOSPITAL
 05 ACUTE PSYCHIATRIC SERVICES

STRIKE OUT
 10 PERSONAL SERVICES - PERMANENT
 INSERT IN PLACE THEREOF
 10 PERSONAL SERVICES - PERMANENT
 STRIKE OUT
 49 TRANSFERS TO OTHER STATE AGENCS
 INSERT IN PLACE THEREOF
 49 TRANSFERS TO OTHER STATE AGENCS D
 STRIKE OUT
 60 BENEFITS
 INSERT IN PLACE THEREOF
 60 BENEFITS
 STRIKE OUT
 92 LABORATORY SERVICES

8121,292
 8121,292
 25,420
 25,420
 3092,665
 3092,665

7609,269
 7627,659
 25,420
 2947,349
 2952,866
 25,420

16103,457

16703,442

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 ACUTE PSYCHIATRIC SERVICES
 STRIKE OUT
 FEDERAL FUNDS
 STRIKE OUT
 09 AGENCY INCOME
 STRIKE OUT
 GENERAL FUND
 INSERT IN PLACE THEREOF
 GENERAL FUND
 TOTAL

8291,856
 541,965
 7723,706
 16557,527
 16703,442

8255,017
 543,244
 7122,640
 15944,808
 16103,457

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 05 DIVISION OF MENTAL HEALTH
 06 NEW HAMPSHIRE HOSPITAL
 06 CHILDRENS SERVICES - PHILBROOK

STRIKE OUT
 10 PERSONAL SERVICES - PERMANENT

752,076

766,838

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 162 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
06 NEW HAMPSHIRE HOSPITAL
06 CHILDRENS SERVICES - PHILBROOK

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF	1384,483	1409,305
10 PERSONAL SERVICES - PERMANENT		
STRIKE OUT	35,919	35,919
19 HOLIDAY PAY		
INSERT IN PLACE THEREOF	33,516	35,192
19 HOLIDAY PAY		
STRIKE OUT	17,693	17,693
20 CURRENT EXPENSES		
INSERT IN PLACE THEREOF	35,382	36,800
20 CURRENT EXPENSES		
STRIKE OUT	1,228	1,228
22 RENTS&LEASES OTHER THAN STATE		
INSERT IN PLACE THEREOF	2,456	2,553
22 RENTS&LEASES OTHER THAN STATE		
INSERT	58,548	60,889
46 CONSULTANTS		
STRIKE OUT	280,524	286,188
60 BENEFITS		
INSERT IN PLACE THEREOF	469,525	478,711
60 BENEFITS		
STRIKE OUT	1,386	1,386
70 IN-STATE TRAVEL		
INSERT IN PLACE THEREOF	2,772	2,883
70 IN-STATE TRAVEL		
STRIKE OUT	36,252	36,252
90 MANAGEMENT SERVICES		
INSERT IN PLACE THEREOF	72,501	75,401
90 MANAGEMENT SERVICES		
STRIKE OUT	3,424	3,424
98 YOUTH BENEFIT FUND		
INSERT IN PLACE THEREOF	3,424	3,560
98 YOUTH BENEFIT FUND		

TOTAL 2240,137 2288,151

ESTIMATED SOURCE OF FUNDS FOR
CHILDRENS SERVICES - PHILBROCK
STRIKE OUT
FEDERAL FUNDS 503,204

AMENDMENTS TO HB25 PAGE 163 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05. HEALTH AND SOCIAL SERVICES (CONT.)
 01 DEPT OF HEALTH AND HUMAN SVCS (CONT.)
 05 DIVISION OF MENTAL HEALTH (CONT.)
 06 NEW HAMPSHIRE HOSPITAL (CONT.)
 06 CHILDRENS SERVICES - PHILBROOK (CONT.)

STRIKE OUT			
07 AGENCY INCOME	8,012		8,813
INSERT IN PLACE THEREOF			
07 AGENCY INCOME	8,813		9,695
STRIKE OUT			
09 AGENCY INCOME	270,000		275,354
STRIKE OUT			
GENERAL FUND	513,370		544,414
INSERT IN PLACE THEREOF	2231,324		2278,456
GENERAL FUND	2240,137		2288,151
TOTAL			

05. HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 05 DIVISION OF MENTAL HEALTH
 06 NEW HAMPSHIRE HOSPITAL
 08 TRANSITIONAL HOUSING - M)

STRIKE OUT			
10 PERSONAL SERVICES-PERM. CLASSI	674,125		683,442
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	674,125		683,442
TOTAL	978,249		993,313

STRIKE OUT AFTER SOURCE OF FUNDS

DURING THE BIENNIUM ENDING JUNE 30, 1993, IF PROJECTED REVENUE TO NH HOSPITAL FROM BOARD AND CARE EXCEEDS THE AMOUNT ESTIMATED, SAID PROJECTED EXCESS MAY BE EXPENDED WITH PRIOR APPROVAL OF THE GOVERNOR AND COUNCIL. IF PROJECTED REVENUE IS LESS THAN THE AMOUNT ESTIMATED, THE TOTAL APPROPRIATION WILL NOT BE REDUCED AND WILL BE AVAILABLE FOR EXPENDITURE AS BUDGETED.

AMENDMENTS TO HB25	PAGE	164	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
05 DIVISION OF MENTAL HEALTH						
06 NEW HAMPSHIRE HOSPITAL						
08 TRANSITIONAL HOUSING - M1						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
TOTAL					39874,869	39502,395
ESTIMATED SOURCE OF FUNDS FOR						
NEW HAMPSHIRE HOSPITAL						
FEDERAL FUNDS						
GENERAL FUNDS					354,505	379,073
OTHER FUNDS					38720,759	38300,658
TOTAL					799,605	822,664
					39874,869	39502,395
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR					183027,273	185448,048
DIVISION OF MENTAL HEALTH						
FEDERAL FUNDS						
GENERAL FUNDS					52285,152	54440,610
OTHER FUNDS					129177,863	129406,940
TOTAL					1564,258	1600,498
					183027,273	185448,048
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
06 DIV OF ELDERLY & ADULT SVCS						
03 GRANTS TO LOCALS						
01 OAA						
STRIKE OUT						
93 NUTRITION - STATE						
INSERT IN PLACE THEREOF				629,242		629,242
93 NUTRITION - STATE				901,172		901,172
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR					4472,545	4472,545
OAA						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
					827,810	827,810
					1099,740	1099,740
					4472,545	4472,545
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
06 DIV OF ELDERLY & ADULT SVCS						
03 GRANTS TO LOCALS						
03 TRAVEL FOR ACTION						
STRIKE OUT						
90 CONTRACTS & GRANTS						
				41,608		41,608

AMENDMENTS TO PAGE 165 05/24/91
HB25

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
06 DIV OF ELDERLY & ADULT SVCS
03 GRANTS TO LOCALS
03 TRAVEL FOR ACTION

INSERT IN PLACE THEREOF
90 SENIOR COMPANION PROGRAM

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
GRANTS TO LOCALS
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIV OF ELDERLY & ADULT SVCS
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
07 ADMIN ATTACHED BOARDS
08 PHARMACY COMMISSION
01 PHARMACY COMMISSION

ESTIMATED SOURCE OF FUNDS FOR
PHARMACY COMMISSION

STRIKE OUT

01 OTHER AGENCY FUNDS

INSERT IN PLACE THEREOF

01 OTHER AGENCY FUNDS

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
PHARMACY COMMISSION

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

41,608

210,748

11907,388

8948,827
2558,561
400,000
11907,388

15407,124

9584,469
5421,155
401,500
15407,124

41,608

210,748

11907,388

8950,660
2556,728
400,000
11907,388

15421,017

9586,302
5433,215
401,500
15421,017

76,029

76,029

317,571

317,571

76,029

76,029

313,054

313,054

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS PAGE 167 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS

05 HEALTH AND SOCIAL SERVICES
02 VETERANS HOME
01 VETS HOME PROFESSIONAL CARE

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT			1970,674
INSERT IN PLACE THEREOF	1939,024		
10 PERSONAL SERVICES - PERMANENT			2192,739
STRIKE OUT	1957,264		
20 CURRENT EXPENSES			278,877
INSERT IN PLACE THEREOF	188,068		
20 CURRENT EXPENSES			289,039
STRIKE OUT	198,230		
46 CONSULTANTS			76,265
INSERT IN PLACE THEREOF	66,630		
46 CONSULTANTS			83,096
STRIKE OUT	69,962		
60 BENEFITS			613,472
INSERT IN PLACE THEREOF	603,976		
60 BENEFITS			680,091
STRIKE OUT	609,448		
70 IN-STATE TRAVEL			2,510
INSERT IN PLACE THEREOF	2,510		
70 IN-STATE TRAVEL			2,558
STRIKE OUT	2,658		
80 OUT-OF STATE TRAVEL			2,500
INSERT IN PLACE THEREOF	2,500		
80 OUT-OF STATE TRAVEL			4,902
STRIKE OUT	4,902		
91 IN-SERVICE TRAINING			5,726
INSERT IN PLACE THEREOF	5,726		
91 IN-SERVICE TRAINING			6,120
STRIKE OUT	6,120		
92 COMPUTER PROGRAM UPDATE			2,398
STRIKE OUT	2,398		

AMENDMENTS TO PAGE 168 05/24/91
HB25

05 HEALTH AND SOCIAL SERVICES
02 VETERANS HOME
01 VETS HOME PROFESSIONAL CARE
(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

INSERT IN PLACE THEREOF			
92 COMPUTER PROGRAM UPDATE			
TOTAL	2,616	3000,623	3410,688
ESTIMATED SOURCE OF FUNDS FOR			
VETS HOME PROFESSIONAL CARE			
STRIKE OUT			
INSERT IN PLACE THEREOF			
FEDERAL FUNDS			
FEDERAL FUNDS			
STRIKE OUT			
09 AGENCY INCOME			
INSERT IN PLACE THEREOF			
09 AGENCY INCOME			
STRIKE OUT			
GENERAL FUND			
INSERT IN PLACE THEREOF			
GENERAL FUND			
TOTAL			

05 HEALTH AND SOCIAL SERVICES			
02 VETERANS HOME			
02 VETS HOME CUSTODIAL CARE			

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT			
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT			
STRIKE OUT			
20 CURRENT EXPENSES			
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES			
STRIKE OUT			
21 FOOD INSTITUTIONS			
INSERT IN PLACE THEREOF			
21 FOOD INSTITUTIONS			

672,444	685,019
675,744	715,262
66,894	66,894
88,356	78,356
123,950	131,951
131,241	139,242

05 HEALTH AND SOCIAL SERVICES
02 VETERANS HOME
02 VETS HOME CUSTODIAL CARE

(CONT.)
(CONT.)
(CONT.)

STRIKE OUT
23 HEAT, ELECTRICITY & WATER D
INSERT IN PLACE THEREOF
23 HEAT, ELECTRICITY & WATER D
STRIKE OUT
24 MAINT. OTHER THAN BUILD. & GRNDS
INSERT IN PLACE THEREOF
24 MAINT. OTHER THAN BUILD. & GRNDS
STRIKE OUT
47 OWN FORCES MAINT. - BUILD. & GRNDS G
INSERT IN PLACE THEREOF
47 OWN FORCES MAINT. - BUILD. & GRNDS G
STRIKE OUT
48 CONTRACTUAL MAINT. - BUILD. & GRNDS G
INSERT IN PLACE THEREOF
48 CONTRACTUAL MAINT. - BUILD. & GRNDS G
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS
STRIKE OUT
70 IN-STATE TRAVEL
INSERT IN PLACE THEREOF
70 IN-STATE TRAVEL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
VETS HOME CUSTODIAL CARE

STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF
FEDERAL FUNDS
STRIKE OUT
09 AGENCY INCOME
INSERT IN PLACE THEREOF
09 AGENCY INCOME
STRIKE OUT
GENERAL FUND

175,089
189,043
22,060
23,698
7,500
12,300
15,000
70,000
205,371
206,361
3,658
3,873

175,089
189,043
22,178
23,816
7,500
8,500
10,000
36,000
209,144
218,217
3,658
3,873

1459,204

1460,298

320,905
466,945
574,955
656,642
454,694

322,973
467,295
578,660
657,134
457,789

		----- FISCAL YEAR 1992 -----		----- FISCAL YEAR 1993 -----	
AMENDMENTS TO	PAGE	170	05/24/91		
HB25					
05 HEALTH AND SOCIAL SERVICES					
02 VETERANS HOME					
02 VETS HOME CUSTODIAL CARE					
					(CONT.)
					(CONT.)
					(CONT.)
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL		335,617		335,869	
		1459,204		1460,298	
STRIKE OUT AFTER SOURCE OF FUNDS					
DURING THE BIENNIUM ENDING JUNE 30, 1993					
IF PROJECTED REVENUE TO THE VETERAN'S HOME					
FROM MEMBERS EXCESS INCOME EXCEEDS THE					
AMOUNT ESTIMATED, SAID PROJECTED EXCESS MAY					
BE EXPENDED WITH PRIOR APPROVAL OF THE					
GOVERNOR & COUNCIL					
INSERT IN PLACE THEREOF					
DURING THE BIENNIUM ENDING JUNE 30, 1993					
IF PROJECTED REVENUE TO THE VETERAN'S HOME					
FROM MEMBERS EXCESS INCOME AND VETERANS					
ADMINISTRATION PER DIEM PAYMENTS EXCEEDS THE					
AMOUNT ESTIMATED, SAID PROJECTED EXCESS MAY					
BE EXPENDED WITH PRIOR APPROVAL OF THE					
GOVERNOR AND COUNCIL IF PROJECTED REVENUE IS					
LESS THAN THE AMOUNT ESTIMATED, THE TOTAL APPROPRIATION					
WILL NOT BE REDUCED AND WILL BE AVAILABLE FOR EXPENDITURE AS BUDGETED					
TOTAL		4459,827		4870,986	
ESTIMATED SOURCE OF FUNDS FOR					
VETERANS HOME					
FEDERAL FUNDS		1427,144		1558,715	
GENERAL FUNDS		1025,761		1120,327	
OTHER FUNDS		2006,922		2191,944	
TOTAL		4459,827		4870,986	
TOTAL		600675,142		623141,656	
ESTIMATED SOURCE OF FUNDS FOR					
HEALTH AND SOCIAL SERVICES					

AMENDMENTS TO HB25 PAGE 171 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

05 HEALTH AND SOCIAL SERVICES

(CONT.)

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

239250,681
295425,187
65989,274
600675,142

250926,590
302359,209
69855,857
623141,656

06 EDUCATION
01 POST SECONDARY EDUCATION COMM
01 ADMINISTRATION & FINANCIAL AID

STRIKE OUT

92 NE BD OF HIGHER EDUC-ASSESSMENT

70,000

70,000

INSERT IN PLACE THEREOF

92 NE BD OF HIGHER EDUC-ASSESSMENT

98,457

104,059

STRIKE OUT

94 LEVERAGED INCENTIVE GRANT

300,000

300,000

INSERT IN PLACE THEREOF

94 LEVERAGED INCENTIVE GRANT

347,000

347,000

INSERT

95 SPEC'L STUDENT GRANT OPTOMETRI

21,000

18,000

STRIKE OUT

97 SPEC'L STUDENT GRANT-DARTMOUTH

170,000

170,000

INSERT IN PLACE THEREOF

97 SPEC'L STUDENT GRANT-DARTMOUTH

200,000

200,000

STRIKE OUT

99 NH INCENTIVE PROGRAM

275,000

275,000

INSERT IN PLACE THEREOF

99 NH INCENTIVE PROGRAM

800,000

800,000

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

ADMINISTRATION & FINANCIAL AID

1989,924

1966,243

07 ADMINISTRATION & FINANCIAL AID

FEDERAL FUNDS

STRIKE OUT

GENERAL FUND

275,000

275,000

1328,467

1302,184

AMENDMENTS TO PAGE 172 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

06 EDUCATION
01 POST SECONDARY EDUCATION COMM.
01 ADMINISTRATION & FINANCIAL AID
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF

GENERAL FUND

1704,924
1989,924

1681,243
1966,243

TOTAL

2152,420

2130,235

ESTIMATED SOURCE OF FUNDS FOR
POST SECONDARY EDUCATION COMM.

FEDERAL FUNDS

437,420

438,916

GENERAL FUNDS

1705,000

1681,319

OTHER FUNDS

10,000

10,000

TOTAL

2152,420

2130,235

06 EDUCATION

03 DEPARTMENT OF EDUCATION

01 OFFICE OF THE COMMISSIONER

01 COMMISSIONER'S OFFICE

01 COMMISSIONER - STATE

INSERT

21 CURRENT EXPENSES-STATE BOARD

8,000

INSERT

71 IN-STATE TRAVEL-STATE BOARD

8,000

INSERT

91 STUDENT TESTING

102,500

INSERT

93 DVLPMNT-NEW STONT TESTING SYS

75,000

INSERT

THIS APPROPRIATION SHALL ONLY BE USED FOR THE

CONTINUATION IN FY 1992 OF STATEWIDE TESTING AT

GRADES 4, 8 AND 10 USING THE CURRENTLY

ADMINISTERED CAT TEST

INSERT

THESE FUNDS ARE APPROPRIATED TO THE

AMENDMENTS TO PAGE 173 05/24/91
H825

06 EDUCATION
03 DEPARTMENT OF EDUCATION
01 OFFICE OF THE COMMISSIONER
01 COMMISSIONER'S OFFICE
01 COMMISSIONER - STATE
(CONT.)
(CONT.)
(CONT.)
(CONT.)

COMMISSIONER OF EDUCATION TO INITIATE THE DEVELOPMENT OF A NEW STATEWIDE ASSESSMENT PROGRAM. THE COMMISSIONER SHALL SUBMIT A PRELIMINARY REPORT TO THE HOUSE AND SENATE EDUCATION COMMITTEES BY OCTOBER 1, 1991 AND A FINAL REPORT WITH RECOMMENDATIONS FOR IMPLEMENTATION BY JANUARY 15, 1992. SUCH PLAN SHALL BE APPROVED BY BOTH COMMITTEES BEFORE THE DEPARTMENT OF EDUCATION MAY SEEK FUNDING FOR FY 1993.

TOTAL	427,930	256,500
ESTIMATED SOURCE OF FUNDS FOR		
COMMISSIONER - STATE		
STRIKE OUT		
GENERAL FUND	234,430	240,500
INSERT IN PLACE THEREOF	427,930	256,500
GENERAL FUND	427,930	256,500
TOTAL	447,951	276,521
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
COMMISSIONER'S OFFICE	20,021	20,021
FEDERAL FUNDS	427,930	256,500
GENERAL FUNDS	447,951	276,521
TOTAL		

06 EDUCATION
03 DEPARTMENT OF EDUCATION
01 OFFICE OF THE COMMISSIONER
03 ADMINISTRATIVE SERVICES
01 ADMINISTRATIVE SERVICES

INSERT	91,759	91,759
10 PERSONAL SERVICES - PERMANENT		
INSERT	6,500	6,500
20 CURRENT EXPENSES		

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 174 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
03 DEPARTMENT OF EDUCATION
01 OFFICE OF THE COMMISSIONER
03 ADMINISTRATIVE SERVICES
01 ADMINISTRATIVE SERVICES

INSERT 46 CONSULTANTS	1,500		
INSERT 60 BENEFITS	27,528		
INSERT 70 IN-STATE TRAVEL	1,000		
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATIVE SERVICES	128,287	128,287	
INSERT GENERAL FUND			
TOTAL			128,287
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATIVE SERVICES	128,287	128,287	128,287
GENERAL FUNDS	277,932		284,182
TOTAL			
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER	277,932	284,182	284,182
FEDERAL FUNDS	277,932	284,182	284,182
GENERAL FUNDS			
OTHER FUNDS			
TOTAL	813,584	649,127	649,127
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER	20,021	20,021	20,021
FEDERAL FUNDS	705,962	540,682	540,682
GENERAL FUNDS	87,201	88,424	88,424
OTHER FUNDS	813,584	649,127	649,127
TOTAL			
06 EDUCATION			
03 DEPARTMENT OF EDUCATION			
02 OFFICE OF ADMINISTRATION			
03 DATA SERVICES			
01 COMPUTER AND STATISTICAL SERVI			
INSERT 10 PERSONAL SERVICES - PERMANENT	151,486	153,444	153,444
INSERT 20 CURRENT EXPENSES	18,084	18,084	18,084

AMENDMENTS TO HB25 PAGE 175 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

06 EDUCATION
 03 DEPARTMENT OF EDUCATION
 02 OFFICE OF ADMINISTRATION
 03 DATA SERVICES
 01 COMPUTER AND STATISTICAL SERVICE

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

INSERT 28 TRANSFERS TO GENERAL SERVICES	D			
INSERT 60 BENEFITS		7,111	7,507	
INSERT 70 IN-STATE TRAVEL		45,446	46,033	
INSERT 92 COMPUTER LEASE/MAINTENANCE		50	50	
TOTAL		26,005	26,005	
ESTIMATED SOURCE OF FUNDS FOR				251,123
COMPUTER AND STATISTICAL SERVICE		248,182		251,123
INSERT GENERAL FUND				
TOTAL		248,182		251,123

06 EDUCATION
 03 DEPARTMENT OF EDUCATION
 02 OFFICE OF ADMINISTRATION
 03 DATA SERVICES
 02 COMMON CORE DATA SURVEY

INSERT 20 CURRENT EXPENSES		4,992	4,992	
INSERT 30 EQUIPMENT NEW/REPLACEMENT		5,000	5,000	
INSERT 40 INDIRECT COSTS	E	1,574	1,574	
INSERT 41 AUDIT FUND SET ASIDE		13	13	
INSERT 80 OUT-OF STATE TRAVEL		3,000	3,000	
TOTAL		14,579		14,579
ESTIMATED SOURCE OF FUNDS FOR				
COMMON CORE DATA SURVEY				
INSERT FEDERAL FUNDS				14,579

AMENDMENTS TO	PAGE	176	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
06 EDUCATION				(CONT.)		
03 DEPARTMENT OF EDUCATION				(CONT.)		
02 OFFICE OF ADMINISTRATION				(CONT.)		
03 DATA SERVICES				(CONT.)		
02 COMMON CORE DATA SURVEY				(CONT.)		
TOTAL				14,579	14,579	
TOTAL				262,761	265,702	
ESTIMATED SOURCE OF FUNDS FOR						
DATA SERVICES						
FEDERAL FUNDS				14,579	14,579	
GENERAL FUNDS				248,182	251,123	
TOTAL				262,761	265,702	
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
02 OFFICE OF ADMINISTRATION						
04 FIN'L AID TO DISTRICTS - STATE						
01 FOUNDATION AID						
STRIKE OUT						
90 FOUNDATION AID				37200,000	40800,000	
INSERT IN PLACE THEREOF				39000,000	39000,000	
90 FOUNDATION AID						
TOTAL				47118,312	47118,312	
ESTIMATED SOURCE OF FUNDS FOR						
FOUNDATION AID						
STRIKE OUT						
08 AGENCY INCOME				41800,000	45980,000	
INSERT IN PLACE THEREOF				42300,000	46480,000	
08 AGENCY INCOME						
STRIKE OUT				3518,312	2938,312	
GENERAL FUND						
INSERT IN PLACE THEREOF				4818,312	638,312	
GENERAL FUND				47118,312	47118,312	
TOTAL						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
02 OFFICE OF ADMINISTRATION						
04 FIN'L AID TO DISTRICTS - STATE						
02 BUILDING AID						
STRIKE OUT						
90 BUILDING AID				15500,000	15500,000	

AMENDMENT PAGE 177 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

06 EDUCATION
03 DEPARTMENT OF EDUCATION
02 OFFICE OF ADMINISTRATION
04 FIN'L AID TO DISTRICTS - STATE
02 BUILDING AID
(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR

STRIKE OUT

GENERAL FUND

15500,000

15500,000

TOTAL

47118,312

47118,312

ESTIMATED SOURCE OF FUNDS FOR

FIN'L AID TO DISTRICTS - STATE

GENERAL FUNDS

4818,312

638,312

OTHER FUNDS

42300,000

46480,000

TOTAL

47118,312

47118,312

TOTAL

48145,346

48152,024

ESTIMATED SOURCE OF FUNDS FOR

OFFICE OF ADMINISTRATION

FEDERAL FUNDS

14,579

14,579

GENERAL FUNDS

5830,767

1657,445

OTHER FUNDS

42300,000

46480,000

TOTAL

48145,346

48152,024

06 EDUCATION

03 DEPARTMENT OF EDUCATION

03 DIVISION OF INSTRUCTION

02 GENERAL INSTRUCTION

03 BILINGUAL EDUCATION

INSERT

40 INDIRECT COSTS

E

2,859

2,859

TOTAL

77,859

77,859

ESTIMATED SOURCE OF FUNDS FOR

BILINGUAL EDUCATION

STRIKE OUT

FEDERAL FUNDS

75,000

75,000

INSERT IN PLACE THEREOF

FEDERAL FUNDS

77,859

77,859

AMENDMENTS TO	PAGE	178	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
H825						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
02 GENERAL INSTRUCTION						
03 BILINGUAL EDUCATION						
TOTAL					77,859	77,859
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
02 GENERAL INSTRUCTION						
07 ROBERT C. BRYD SCHOLARSHIP						
INSERT						
40 INDIRECT COSTS				480	480	
TOTAL					55,480	55,480
ESTIMATED SOURCE OF FUNDS FOR						
ROBERT C. BRYD SCHOLARSHIP						
STRIKE OUT						
FEDERAL FUNDS					55,000	55,000
INSERT IN PLACE THEREOF					55,480	55,480
FEDERAL FUNDS					55,480	55,480
TOTAL					7062,775	7084,298
ESTIMATED SOURCE OF FUNDS FOR						
GENERAL INSTRUCTION						
FEDERAL FUNDS					5751,874	5757,355
GENERAL FUNDS					1310,901	1326,943
TOTAL					7062,775	7084,298
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
04 ADULT BASIC EDUCATION						
04 ENGLISH AS A SECOND LANGUAGE						
INSERT						
40 INDIRECT COSTS				4,620	4,620	
TOTAL					43,120	43,120

(CONT.)
(CONT.)
(CONT.)
(CONT.)

AMENDMENTS TO HB25	PAGE	179	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
06 EDUCATION				(CONT.)		
03 DEPARTMENT OF EDUCATION				(CONT.)		
03 DIVISION OF INSTRUCTION				(CONT.)		
04 ADULT BASIC EDUCATION				(CONT.)		
04 ENGLISH AS A SECOND LANGUAGE				(CONT.)		
ESTIMATED SOURCE OF FUNDS FOR						
ENGLISH AS A SECOND LANGUAGE						
STRIKE OUT						
01 OTHER AGENCY FUNDS					38,500	38,500
INSERT IN PLACE THEREOF					43,120	43,120
01 OTHER AGENCY FUNDS					43,120	43,120
TOTAL						
TOTAL					1320,732	1321,952
ESTIMATED SOURCE OF FUNDS FOR						
ADULT BASIC EDUCATION						
FEDERAL FUNDS					752,523	750,743
GENERAL FUNDS					398,089	398,089
OTHER FUNDS					170,120	173,120
TOTAL					1320,732	1321,952
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
05 VOCATIONAL EDUCATION						
01 VOCATIONAL EDUCATION - STATE						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT					228,103	
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT					369,723	
STRIKE OUT						
20 CURRENT EXPENSES					33,824	
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES					44,401	
STRIKE OUT						
28 TRANSFERS TO GENERAL SERVICES					12,106	
INSERT IN PLACE THEREOF						
28 TRANSFERS TO GENERAL SERVICES					16,863	
STRIKE OUT						
60 BENEFITS					68,431	
INSERT IN PLACE THEREOF						
60 BENEFITS					110,917	

AMENDMENTS TO	PAGE	180	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
H825						
06 EDUCATION				(CONT.)		
03 DEPARTMENT OF EDUCATION				(CONT.)		
03 DIVISION OF INSTRUCTION				(CONT.)		
05 VOCATIONAL EDUCATION				(CONT.)		
01 VOCATIONAL EDUCATION - STATE				(CONT.)		
STRIKE OUT						
70 IN-STATE TRAVEL				4,632		4,632
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL				6,346		6,346
TOTAL					4156,176	4106,450
ESTIMATED SOURCE OF FUNDS FOR						
VOCATIONAL EDUCATION - STATE						
STRIKE OUT						
GENERAL FUND					3955,022	3905,296
INSERT IN PLACE THEREOF						
GENERAL FUND					4156,176	4106,450
TOTAL					4156,176	4106,450
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
05 VOCATIONAL EDUCATION						
02 VOCATIONAL EDUCATION - FEDERAL						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				433,517		438,071
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				291,897		296,451
STRIKE OUT						
20 CURRENT EXPENSES				48,620		48,620
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES				38,043		38,043
STRIKE OUT						
28 TRANSFERS TO GENERAL SERVICES				34,110		27,086
INSERT IN PLACE THEREOF						
28 TRANSFERS TO GENERAL SERVICES				29,353		22,331
STRIKE OUT						
60 BENEFITS				139,318		140,684
INSERT IN PLACE THEREOF						
60 BENEFITS				96,832		98,198
STRIKE OUT						
70 IN-STATE TRAVEL				8,500		8,500

AMENDMENTS HB25	PAGE	181	05/24/91	----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
06 EDUCATION 03 DEPARTMENT OF EDUCATION 03 DIVISION OF INSTRUCTION 05 VOCATIONAL EDUCATION 02 VOCATIONAL EDUCATION - FEDERAL					
INSERT IN PLACE THEREOF 70 IN-STATE TRAVEL				6,786	6,786
TOTAL				4353,798	4347,819
ESTIMATED SOURCE OF FUNDS FOR VOCATIONAL EDUCATION - FEDERAL					
STRIKE OUT					
FEDERAL FUNDS				4554,952	4548,973
INSERT IN PLACE THEREOF				4353,798	4347,819
FEDERAL FUNDS				4353,798	4347,819
TOTAL					
06 EDUCATION 03 DEPARTMENT OF EDUCATION 03 DIVISION OF INSTRUCTION 05 VOCATIONAL EDUCATION 04 APPRENTICESHIP TRAINING					
INSERT 40 INDIRECT COSTS				8,574	8,574
TOTAL				80,021	80,021
ESTIMATED SOURCE OF FUNDS FOR APPRENTICESHIP TRAINING					
STRIKE OUT					
05 PRIVATE LOCAL FUNDS				71,447	71,447
INSERT IN PLACE THEREOF				80,021	80,021
05 PRIVATE LOCAL FUNDS				80,021	80,021
TOTAL					
TOTAL				8783,908	8727,751
ESTIMATED SOURCE OF FUNDS FOR VOCATIONAL EDUCATION					
FEDERAL FUNDS				4547,711	4541,280
GENERAL FUNDS				4156,176	4106,450
OTHER FUNDS				80,021	80,021
TOTAL				8783,908	8727,751

AMENDMENTS TO	PAGE	182	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
06. EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
05 VOCATIONAL EDUCATION						
				(CONT.)		
				(CONT.)		
				(CONT.)		
06. EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
06 SPECIAL EDUCATION						
01 SPECIAL EDUCATION - STATE						
INSERT						
90 JAMES O. SETTLEMENT				75,000	75,000	
TOTAL					8782,278	8785,526
ESTIMATED SOURCE OF FUNDS FOR						
SPECIAL EDUCATION - STATE						
STRIKE OUT						
GENERAL FUND					8707,278	8710,526
INSERT IN PLACE THEREOF					8782,278	8785,526
GENERAL FUND					8782,278	8785,526
TOTAL						
06. EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
06 SPECIAL EDUCATION						
07 SPEC. ED. CHAPTER 402 L'87						
STRIKE OUT						
90 GRANTS,SUBSIDIES,CONTRIBUTIONS				975,205	975,205	
INSERT IN PLACE THEREOF						
90 GRANTS,SUBSIDIES,CONTRIBUTIONS *				975,205	975,205	
INSERT						
THESE FUNDS SHALL NOT BE TRANSFERRED OR						
EXPENDED FOR ANY OTHER PURPOSE AND SHALL						
NOT LAPSE.						
TOTAL					975,205	975,205

AMENDMENTS 73
HB25 PAGE 183 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

06 EDUCATION
03 DEPARTMENT OF EDUCATION
06 DIVISION OF INSTRUCTION
06 SPECIAL EDUCATION
07 SPEC. ED. CHAPTER 402 L'87
(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
03 DEPARTMENT OF EDUCATION
03 DIVISION OF INSTRUCTION
06 SPECIAL EDUCATION
09 COMPREHENSIVE SYS OF PER DEV

INSERT 40 INDIRECT COSTS E

3,464

3,464

63,464

63,464

60,000

60,000

63,464

63,464

63,464

63,464

19207,232

19206,276

7655,681

7657,973

11551,551

11548,303

19207,232

19206,276

49830,201

49381,056

32083,858

31607,773

17493,202

17523,142

253,141

230,141

49830,201

49381,056

06 EDUCATION
03 DEPARTMENT OF EDUCATION
04 DIV STANDARDS & CERTIFICATION
01 STANDARDS & CERTIFICATION
03 TEACHERS COMPETENCE FUND

INSERT 40 INDIRECT COSTS E

3,007

3,007

AMENDMENTS - PAGE 185 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

06. EDUCATION
03 DEPARTMENT OF EDUCATION
04 DIV STANDARDS & CERTIFICATION
02 SCHOOL APPRVL, CONST & FINANCE
03 NH BUILDING AUTHORITY

TOTAL	6,360	6,360	
ESTIMATED SOURCE OF FUNDS FOR			
NH BUILDING AUTHORITY			
STRIKE OUT			
03 REVOLVING FUNDS	5,679	5,679	
INSERT IN PLACE THEREOF	6,360	6,360	
03 REVOLVING FUNDS	6,360	6,360	
TOTAL	323,281	324,437	
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
SCHOOL APPRVL, CONST & FINANCE			
FEDERAL FUNDS	135,083	135,083	
GENERAL FUNDS	181,838	182,994	
OTHER FUNDS	6,360	6,360	
TOTAL	323,281	324,437	
TOTAL	15796,519	16180,698	
ESTIMATED SOURCE OF FUNDS FOR			
DIV STANDARDS & CERTIFICATION			
FEDERAL FUNDS	13946,078	14322,147	
GENERAL FUNDS	1225,457	1231,580	
OTHER FUNDS	624,984	626,971	
TOTAL	15796,519	16180,698	
06. EDUCATION			
03 DEPARTMENT OF EDUCATION			
05 DIV VOCATIONAL REHABILITATION			
01 VOCATIONAL REHABILITATION			
01 VOCATIONAL REHAB - ADMIN			
INSERT			
90 HELP-LINE	15,000		
INSERT			

* G

AMENDMENTS TO HB25 PAGE 187 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIV VOCATIONAL REHABILITATION					
03 REHABILITATION SERVICES					
02 FIELD PROGRAMS - MATCH					
STRIKE OUT					
FEDERAL FUNDS		5515,055			5837,589
INSERT IN PLACE THEREOF					
FEDERAL FUNDS		5552,415			5973,110
STRIKE OUT					
GENERAL FUND		1647,354			1843,449
INSERT IN PLACE THEREOF					
GENERAL FUND		1658,513			1886,245
TOTAL		7210,928			7859,355
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIV VOCATIONAL REHABILITATION					
03 REHABILITATION SERVICES					
06 IN-SERVICE TRAINING					
INSERT					
40 INDIRECT COSTS		3,932		3,932	
STRIKE OUT					
91 WORKSHOPS		31,333		31,333	
INSERT IN PLACE THEREOF					
91 WORKSHOPS		27,401		27,401	
TOTAL		32,766			32,766
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
REHABILITATION SERVICES		7707,504			8356,191
FEDERAL FUNDS					
GENERAL FUNDS		5938,477			6359,172
TOTAL		1769,027			1997,019
		7707,504			8356,191
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIV VOCATIONAL REHABILITATION					
04 SERVICES FOR THE BLIND					
06 INDEPENDENT SER. BLIND PART C					
INSERT					
40 INDIRECT COSTS		240		240	

(CONT.)
(CONT.)
(CONT.)
(CONT.)

AMENDMENTS TO
HB25 PAGE 189 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)06 EDUCATION
04 DEPT OF POSTSECONDARY TECH EDU
01 OFFICE OF THE COMMISSIONER
01 ADMINISTRATIONINSERT IN PLACE THEREOF
20 CURRENT EXPENSES

121,170

INSERT
40 INDIRECT COSTS

1

TOTAL

2218,579

2235,920

TOTAL

2613,012

2630,353

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF THE COMMISSIONER
GENERAL FUNDS
OTHER FUNDS
TOTAL

1403,960

1274,804

1209,052

1255,549

2613,012

2630,353

06 EDUCATION
04 DEPT OF POSTSECONDARY TECH EDU
05 NHTC-BERLIN
01 TECHNICAL EDUCATION DIVISION

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF

1435,863

10 PERSONAL SERVICES - PERMANENT
STRIKE OUT

1496,117

40 INDIRECT COSTS

61,120

INSERT IN PLACE THEREOF
40 INDIRECT COSTS

73,193

STRIKE OUT
50 PERSONAL SERVICE-TEMP/APPOINTE

45,066

INSERT IN PLACE THEREOF
50 PERSONAL SERVICE-TEMP/APPOINTE

75,594

STRIKE OUT

60 BENEFITS

455,214

INSERT IN PLACE THEREOF
60 BENEFITS

475,625

TOTAL

2511,727

2647,706

AMENDMENTS TO	PAGE	191	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
06 EDUCATION				(CONT.)		
04 DEPT OF POSTSECONDARY TECH EDU				(CONT.)		
05 NHTC-BERLIN				(CONT.)		
06 EDUCATION						
04 DEPT OF POSTSECONDARY TECH EDU						
07 NHTC-CLAREMONT						
01 TECHNICAL EDUCATION DIVISION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				1533,927	1545,677	
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				1563,119	1574,869	
STRIKE OUT						
60 BENEFITS				481,037	484,622	
INSERT IN PLACE THEREOF						
60 BENEFITS				489,795	493,380	
TOTAL				2409,329		2483,807
ESTIMATED SOURCE OF FUNDS FOR						
TECHNICAL EDUCATION DIVISION						
STRIKE OUT						
GENERAL FUND				1765,159		1793,794
INSERT IN PLACE THEREOF						
GENERAL FUND				1803,109		1831,744
TOTAL				2409,329		2483,807
TOTAL					3004,669	3097,177
ESTIMATED SOURCE OF FUNDS FOR						
NHTC-CLAREMONT						
FEDERAL FUNDS				175,473	175,473	
GENERAL FUNDS				1812,059	1840,694	
OTHER FUNDS				1017,137	1081,010	
TOTAL				3004,669	3097,177	
TOTAL					36065,636	37128,585
ESTIMATED SOURCE OF FUNDS FOR						
DEPT OF POSTSECONDARY TECH EDU						
FEDERAL FUNDS				1635,296		1660,786

AMENDMENTS TO PAGE 192 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)

06 EDUCATION
04 DEPT OF POSTSECONDARY TECH EDU

GENERAL FUNDS
OTHER FUNDS
TOTAL

16189,618
18240,722
36065,636
16334,991
19132,808
37128,585

06 EDUCATION
05 N H SWEEPSTAKES COMMISSION
01 LOTTERY DIVISION

STRIKE OUT

96 RETIREE BENEFITS
INSERT IN PLACE THEREOF
96 RETIREE BENEFITS

32,000
40,000
4005,777

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
LOTTERY DIVISION

STRIKE OUT

SWEEPSTAKES FUND
INSERT IN PLACE THEREOF
SWEEPSTAKES FUND

3982,851
3990,851
3990,851
3997,777
4005,777
4005,777

06 EDUCATION
05 N H SWEEPSTAKES COMMISSION
02 BINGO LUCKY 7

STRIKE OUT

22 RENTS&LEASES OTHER THAN STATE
INSERT IN PLACE THEREOF
22 RENTS&LEASES OTHER THAN STATE D
STRIKE OUT

9,000
9,000
5,880
10,000
5,880
6,000

96 RETIREE BENEFITS
INSERT IN PLACE THEREOF
96 RETIREE BENEFITS

10,000
10,000
5,880
6,000

AMENDMENTS TO PAGE 193 05/24/91

06. EDUCATION
05 N.H. SWEEPSTAKES COMMISSION
02 BINGO LUCKY 7

(CONT.)
(CONT.)
(CONT.)

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
BINGO LUCKY 7
STRIKE OUT
SWEEPSTAKES FUND
INSERT IN PLACE THEREOF
SWEEPSTAKES FUND
TOTAL

382,739

371,480

382,619

371,360

382,739

371,480

382,739

371,480

4373,590

4377,257

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
N H SWEEPSTAKES COMMISSION
SWEEPSTAKES FUNDS
TOTAL

4373,590

4377,257

4373,590

4377,257

06. EDUCATION
06 HIGHER EDUCATION FUND
01 UNH - DURHAM

STRIKE OUT
90 UNH - DURHAM
INSERT IN PLACE THEREOF
90 UNH - DURHAM

187680,475

198145,475

185308,000

193675,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UNH - DURHAM

185308,000

193675,000

STRIKE OUT
06 AGENCY INCOME
INSERT IN PLACE THEREOF
06 AGENCY INCOME
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

80770,000

84952,000

78470,000

80918,000

32122,475

32122,475

32050,000

31686,000

AMENDMENTS TO	PAGE	194	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
(CONT.)						
(CONT.)						
(CONT.)						
06 EDUCATION						
06 HIGHER EDUCATION FUND						
01 UNH - DURHAM						
TOTAL				185308,000		193675,000
06 EDUCATION						
06 HIGHER EDUCATION FUND						
02 KEENE STATE COLLEGE						
STRIKE OUT						
90 KEENE STATE COLLEGE						
INSERT IN PLACE THEREOF				36929,925		38655,925
90 KEENE STATE COLLEGE				37112,000		38577,000
TOTAL				37112,000		38577,000
ESTIMATED SOURCE OF FUNDS FOR						
KEENE STATE COLLEGE						
STRIKE OUT						
06 AGENCY INCOME				15921,000		16767,000
INSERT IN PLACE THEREOF				16292,000		16877,000
06 AGENCY INCOME						
STRIKE OUT				6660,925		6660,925
GENERAL FUND				6472,000		6472,000
INSERT IN PLACE THEREOF				37112,000		38577,000
GENERAL FUND						
TOTAL						
06 EDUCATION						
06 HIGHER EDUCATION FUND						
03 PLYMOUTH STATE COLLEGE						
STRIKE OUT						
90 PLYMOUTH STATE COLLEGE						
INSERT IN PLACE THEREOF				36964,250		38624,250
90 PLYMOUTH STATE COLLEGE				36865,000		38167,000
TOTAL				36865,000		38167,000

AMENDMENTS
HB25 PAGE 195 05/24/91

(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
06 HIGHER EDUCATION FUND
03 PLYMOUTH STATE COLLEGE

ESTIMATED SOURCE OF FUNDS FOR
PLYMOUTH STATE COLLEGE

STRIKE OUT		
06 AGENCY INCOME	16905,000	17824,000
INSERT IN PLACE THEREOF	16953,000	17514,000
06 AGENCY INCOME		
STRIKE OUT	7520,250	7520,250
GENERAL FUND		
INSERT IN PLACE THEREOF	7373,000	7373,000
GENERAL FUND	36865,000	38167,000
TOTAL		

06 EDUCATION
06 HIGHER EDUCATION FUND
04 UNH - MANCHESTER

STRIKE OUT
90 UNH - MANCHESTER
INSERT IN PLACE THEREOF
90 UNH - MANCHESTER

	4371,375	4527,375
	4857,000	5125,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UNH - MANCHESTER

	4857,000	5125,000
--	----------	----------

STRIKE OUT
06 AGENCY INCOME
INSERT IN PLACE THEREOF
06 AGENCY INCOME
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

	2689,000	2826,000
	3026,000	3275,000
	1031,375	1031,375
	1180,000	1180,000
	4857,000	5125,000

06 EDUCATION
06 HIGHER EDUCATION FUND
05 SCHOOL OF LIFELONG LEARNING

STRIKE OUT
90 SCHOOL OF LIFELONG LEARNING

	3242,425	3386,425
--	----------	----------

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 196 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

06 EDUCATION			
06 HIGHER EDUCATION FUND			
05 SCHOOL OF LIFELONG LEARNING			
(CONT.)			
(CONT.)			
(CONT.)			
INSERT IN PLACE THEREOF			
90 SCHOOL OF LIFELONG LEARNING	3413,000	3597,000	
TOTAL	3413,000	3597,000	
ESTIMATED SOURCE OF FUNDS FOR			
SCHOOL OF LIFELONG LEARNING			
STRIKE OUT			
06 AGENCY INCOME	2368,000	2504,000	
INSERT IN PLACE THEREOF			
06 AGENCY INCOME	2368,000	2544,000	
STRIKE OUT			
GENERAL FUND	722,425	722,425	
INSERT IN PLACE THEREOF			
GENERAL FUND	893,000	893,000	
TOTAL	3413,000	3597,000	
06 EDUCATION			
06 HIGHER EDUCATION FUND			
06 UNH - CONSULTING CENTER			
STRIKE OUT			
90 UNH - CONSULTING CENTER	1830,250	2035,250	
INSERT IN PLACE THEREOF			
90 UNH - CONSULTING CENTER	1862,000	2074,000	
TOTAL	1862,000	2074,000	
ESTIMATED SOURCE OF FUNDS FOR			
UNH - CONSULTING CENTER			
STRIKE OUT			
GENERAL FUND	120,250	120,250	
INSERT IN PLACE THEREOF			
GENERAL FUND	152,000	159,000	
TOTAL	1862,000	2074,000	
06 EDUCATION			
06 HIGHER EDUCATION FUND			
07 AGRICULTURAL EXPERIMENT STAT			
STRIKE OUT			
90 AGRICULTURE EXPERIMENT STATION			3647,875

06 EDUCATION
06 HIGHER EDUCATION FUND
07 AGRICULTURAL EXPERIMENT STAT

(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
90 AGRICULTURE EXPERIMENT STATION

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
AGRICULTURAL EXPERIMENT STAT
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

4494,000 4637,000 4637,000
4494,000 1752,875 1752,875
2599,000 2742,000
4494,000 4637,000

06 EDUCATION
06 HIGHER EDUCATION FUND
08 MARINE RESEARCH & DEVELOPMENT

STRIKE OUT
90 MARINE RESEARCH & DEVELOPMENT
INSERT IN PLACE THEREOF
90 MARINE RESEARCH & DEVELOPMENT

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
MARINE RESEARCH & DEVELOPMENT
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

3602,300 3959,300
3762,000 4156,000
3762,000 4156,000
625,300 625,300
785,000 822,000
3762,000 4156,000

06 EDUCATION
06 HIGHER EDUCATION FUND
09 UNH COOP EXTENSION SERVICE

STRIKE OUT
90 UNH COOP EXTENSION SERVICE

2843,025 2843,025

AMENDMENTS TO PAGE 198 05/24/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

06 EDUCATION
06 HIGHER EDUCATION FUND
09 UNH COOP EXTENSION SERVICE
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
90 UNH COOP EXTENSION SERVICE

3400,000	3400,000	3508,000	3508,000
----------	----------	----------	----------

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UNH COOP EXTENSION SERVICE

1122,025	1122,025	1122,025	1122,025
----------	----------	----------	----------

1679,000	1679,000	1787,000	1787,000
----------	----------	----------	----------

3400,000	3400,000	3508,000	3508,000
----------	----------	----------	----------

INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

06 EDUCATION
06 HIGHER EDUCATION FUND
11 EXTENSION WORK IN COUNTIES

STRIKE OUT
90 EXTENSION WORK IN COUNTIES
INSERT IN PLACE THEREOF
90 EXTENSION WORK IN COUNTIES

1935,550	1935,550
2238,000	2307,000

2238,000	2307,000
----------	----------

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EXTENSION WORK IN COUNTIES

375,550	375,550
---------	---------

678,000	747,000
---------	---------

2238,000	2307,000
----------	----------

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

06 EDUCATION
06 HIGHER EDUCATION FUND
12 N H PUBLIC TELEVISION

INSERT
90 N H PUBLIC TELEVISION

5738,000	5853,000
----------	----------

(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
06 HIGHER EDUCATION FUND
12 N H PUBLIC TELEVISION

TOTAL	5738,000	5853,000
ESTIMATED SOURCE OF FUNDS FOR		
N H PUBLIC TELEVISION		
INSERT		
06 AGENCY INCOME	3308,000	3408,000
INSERT	764,000	779,000
08 AGENCY INCOME		
INSERT	1666,000	1666,000
GENERAL FUND	5738,000	5853,000
TOTAL		

06 EDUCATION
06 HIGHER EDUCATION FUND
13 KEENE STATE - BD OF EDUCATION

STRIKE OUT		
90 KEENE STATE/BOARD OF EDUCATION	866,350	879,350
INSERT IN PLACE THEREOF	875,000	889,000
90 KEENE STATE/BOARD OF EDUCATION		
TOTAL	875,000	889,000

ESTIMATED SOURCE OF FUNDS FOR
KEENE STATE - BD OF EDUCATION

STRIKE OUT		
06 AGENCY INCOME	99,000	106,000
INSERT IN PLACE THEREOF	99,000	107,000
06 AGENCY INCOME		
STRIKE OUT	464,350	464,350
GENERAL FUND		
INSERT IN PLACE THEREOF	473,000	473,000
GENERAL FUND	875,000	889,000
TOTAL	290028,000	302675,000
TOTAL		

AMENDMENTS TO	PAGE	200	05/24/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
(CONT.)						
(CONT.)						
06 EDUCATION						
06 HIGHER EDUCATION FUND						
ESTIMATED SOURCE OF FUNDS FOR						
HIGHER EDUCATION FUND						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
					56000,000	56000,000
					234028,000	246675,000
					290028,000	302675,000
06 EDUCATION						
07 N H PUBLIC TELEVISION						
ESTIMATED SOURCE OF FUNDS FOR						
90 N H PUBLIC TELEVISION						
TOTAL						
					5786,950	5901,950
STRIKE OUT						
90 N H PUBLIC TELEVISION						
ESTIMATED SOURCE OF FUNDS FOR						
STRIKE OUT						
06 AGENCY INCOME						
STRIKE OUT						
08 AGENCY INCOME						
STRIKE OUT						
GENERAL FUND						
					3308,000	3408,000
					764,000	779,000
					1714,950	1714,950
TOTAL						
					461059,153	476101,115
ESTIMATED SOURCE OF FUNDS FOR						
EDUCATION						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
SWEEPSTAKES FUNDS						
TOTAL						
					59409,113	60734,448
					101658,040	97646,186
					295618,410	313343,224
					4373,590	4377,257
					461059,153	476101,115

AMENDMENTS TO HB25 201 05/24/91

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

STATE SUMMARY

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

	1786081,248	1868162,555
FEDERAL FUNDS		
GENERAL FUNDS	430825,591	443620,019
HIGHWAY FUNDS	674858,809	721727,102
FISH AND GAME	153121,074	154439,407
OTHER FUNDS	6745,830	6762,441
SWEETSTAKES FUNDS	471958,441	494366,291
TURNPIKES FUNDS	4373,590	4377,257
	44197,913	42810,038
TOTAL	1786081,248	1868162,555

Amendment to HB 25-A

Amend the bill by replacing all after section 10 with the following:

11 Appropriations Reduced. The commissioner of the department of administrative services is hereby directed to reduce funds appropriated for medical benefits in class 60, benefits in section 1 of this act by \$17,000,000 in general funds in each of fiscal years 1992 and 1993. Other funds shall be proportionately reduced to reflect the usual percentage of a particular fund to the total of all funds for this purpose.

12 Supplemental Appropriation for Distribution to Cities and Towns; School Building Aid and Water Pollution State Aid Grants Bonded.

I. In addition to any other funds appropriated to the department of education, the sum of \$15,310,000, for the fiscal year ending June 30, 1992, and the sum of \$15,500,000, for the fiscal year ending June 30, 1993, are hereby appropriated for the purposes of school building aid.

II. In addition to any other funds appropriated to the department of environmental services, the sum of \$19,040,506, for the fiscal year ending June 30, 1992, and the sum of \$16,915,598, for the fiscal year ending June 30, 1993, are hereby appropriated for the purposes of water pollution state aid grants.

III. To provide funds for the sums appropriated in paragraphs I and II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$66,766,104 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with RSA 6-A. The payments of principal and interest due on such bonds and notes shall be made when due from the general fund.

13 Supplemental Appropriations; Department of Safety. In addition to any other sums appropriated to the department of safety, the sum of \$3,566.92 is appropriated for the biennium ending June 30, 1993, for the purpose of closing negative balances on federal grants from prior years, from the following sources:

I. Highway fund	\$3,137.77
II. Turnpike fund	.28
III. General fund	428.87
Total	\$3,566.92

The governor is authorized to draw his warrant for the sum appropriated out of the appropriate funds.

14 Contingent Appropriation; Department of Transportation; Asbestos Removal. When the commissioner of transportation determines that a need exists involving asbestos removal from state-owned buildings, the governor and council is authorized to ap-

prove his request for funds not to exceed \$200,000 in total for the biennium ending June 30, 1993. The governor is authorized to draw his warrant for such sums out of any money or funds not otherwise appropriated.

15 Appropriation for Department of Postsecondary Technical Education.

I. In addition to any other sums appropriated, the sum of \$1,272,575 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of postsecondary technical education. The commissioner shall notify the department of administrative services as to the specific amounts to be increased in specified line items no later than 15 days after the effective date of this section.

II. In addition to any other sums appropriated the sum of \$1,127,272 for the fiscal year ending June 30, 1993, is hereby appropriated to the department of postsecondary technical education. The commissioner shall notify the department of administrative services as to the specific amounts to be increased in specified line items no later than June 1, 1992.

III. For the purposes of paragraphs I and II of this section the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

16 Transfer. The person in auditor I classified position number 11599 within the state treasurer's office on the effective date of this act shall fill the auditor II classified position number 000077. Position number 11599 in the state treasurer's office is abolished.

17 The following sums are appropriated to the supreme court for the biennium ending June 30, 1993, for the purchases specified:

I. Computer hardware and system development	\$2,623,447
II. Equipment	369,130
Total	\$2,992,577

No funds appropriated in this section for computer hardware and system development shall be expended, encumbered or obligated in any way without the prior approval of the fiscal committee.

18 Bonds Authorized. To provide funds for the appropriation made in section 17 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,992,577 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The bonds issued for the purchase of equipment under paragraph II of section 17 shall be 5-year bonds.

19 Payment of Principal and Interest. Payments of principal and interest on the bonds and notes issued for the purchases in section 17 of this act shall be made when due from the court modernization fund as established in RSA 502-A:37.

20 Reopening Liquor Stores. Funds are provided in section 1 of this act for the reopening, within 30 days after the effective date of this act, of the retail liquor stores in Greenville and Suncook closed on or about December 31, 1990.

21 Effective Date. This act shall take effect July 1, 1991.

A Roll Call was requested by Senator Heath.

Seconded by Senator Dupont.

Question is on the committee amendment.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Holingworth, Cohen.

The following voted no: Heath, Colantuono, Humphrey, St. Jean.

Yeas: 20

Nays: 4

Amendment Adopted.

MOTION TO RECOMMIT

SENATOR HUMPHREY: I would like to recommit the bill as so far as amended to committee with instructions. Mr. President, I move that the Senate recommit HB 25 as amended so far to the Finance committee with instructions that the committee report the bill back out on this legislative day with the following changes: that the spending be reduced by an amount of \$26,000,000 which savings are to be achieved by a 1/2 day per week shut down, and the result in savings applied so as to eliminate the necessity of raising or keeping the Rooms and Meals tax at 8 percent.

I withdraw my motion of recommittal to do Rule #44.

SENATOR HUMPHREY (RULE #44): Mr. President, I wish to be recognized under rule #44 since evidently Senators will call the question before the Senator has the chance to offer his thoughts on the motion. So therefore, I seek to be recognized under rule #44. It is a pretty simple proposition. Just to reiterate, Mr. President, that the whole purpose of this exercise is show frankly, what this Senator regards as insufficient will cut spending on the part of this body. I knew from the start when I dreamed this up while lying in my bed last night that I had about a snowballs chance in hell to succeed, but I was trying to think of someway to demonstrate the lack of real will to cut spending and the lack of real will to stand up to the State Employees Union which is today the dog that wags the tail. And I should say the tail that wags the dog. If Senators aren't willing to

require a half day per week shut-down, and to spread the pain around a little bit, the same pain that people in the private sector are feeling without much recourse. And instead, to raise taxes, to refuse to take the hard decisions and instead of raising taxes then something is fundamentally wrong. I think this perhaps is a good way of showcasing that ailment and perhaps people will remember and they will take it into account when it comes time to choose their representatives in the future. So I now offer the same motion Mr. President, and I hope that I may have a second, and that my colleagues will indeed support the motion and that we might at least have one significant cut that affects the state government and in so doing, eliminate the need to raise one of these taxes. So I make that motion, Mr. President.

SENATOR HOLLINGWORTH (RULE #44): I stand with some anger. Senator Humphrey, you said that you didn't have time because you were a working man. Well, here stands a working woman. Last weekend I made beds in my motel, I catered a function for 70 people and I managed to still go through the budget. I managed to find cuts, and I managed to talk to most of the people in the departments I decided I was going to look at. I do not think that it is appropriate since you have admitted that you did not know what the results of firing 400 people would be. You didn't know how it would affect the state. You had not even considered economically what it would do to this state. I am insulted that you stand here and challenge us because we have no desire to cut. And I think you are stage playing, Senator, and I put it plain and simple. Maybe I am out of order and I am sorry if I am. But it seems that the Senator has done the same. He has chosen to challenge us and to say that we have no desire to cut, and the people at home are suffering. Well I will tell you, the people at home are suffering and the reason that they are suffering is because year after year we have decided in this state, your government, your party, has decided to take and tax unfairly and unjustly. This is not our budget and not our problem, but we are trying to resolve it. Something that you didn't do. You stood back from it and refused to be a player and a party of it. We have worked hard, because we feel that it is painful to our people at home and we will not send it back to our communities, and we will not send it back on our children. And I am sorry, Senator, but that is the way that I feel.

SENATOR DISNARD (RULE #44): I heard a Senator say that it's insufficient will of this Senate and we lack the will to stand up and cut the budget. I think it's about time someone spoke in favor of the state employees. I think it is about time every Senator in this hall recognized the fact that the corner office, the Governor's Office has refused to have insufficient will to negotiate. The state employees

have been saying for two to three years, they would like to negotiate layoffs. They would like to negotiate retirement. They would like to negotiate furloughs, they were willing and would like to negotiate working hours. What more can we ask of them. They are recommending the possibility of cutting the budget \$35,000,000. And here we are, some of us, trying to take a chance to have a court case, and in all probability that we would lose. Let's say to the state employees, okay, you're offering this, let's sit down and try to accomplish that. Let's not keep hammering on the head and hammering on the head. They're willing to sit down and talk about a way to save up the \$35,000,000. Why not give them their chance? Thank you.

SENATOR NELSON (RULE #44): I want to stand up and support Senator Humphrey who has the right to make any motion he so chooses without having to suffer personal insults of any kind, regardless of the party. He makes a very good point. And the point is that the process should be looked at whether we agree with each other or not. If he thinks that there is some alternatives then let's pursue them. I don't know that cutting somebody's insurance is the best deal in town. I've seen a few figures myself, but I will tell you straight away. I haven't liked it since I heard about it. But to suggest today that we don't have the right to stand up here and make motions and that we are less than each other that we don't care about the future of children, is ridiculous. How are we going to solve any problems of care. I haven't heard from any state employees. How do we know that a half a day isn't something that they might like or a full day? I pay my own health insurance. I know how tough it is. It comes right out of my pocket. I mean I just think that we ought to stop it and let's understand that we are just debating issues on this floor. And I just don't want to be accused of something that I am not worthy, not good enough Democrat, not good enough Republican, not good enough citizen, not good enough mother, not loving enough for people. That is all that I have to say and I am sorry that I . . .

PRESIDENT DUPONT (RULE #44): Obviously, the focus on the budget today seems to have a tendency to move a little bit away from the reason that we are here today. I made some points earlier about the process. I merely tried to emphasize the fact that as I said time and time again in this body that the most serious problem the state of New Hampshire faced and that we face as legislators was the issue of the budget. I certainly am sympathetic and as I indicated earlier this week that I am open to any suggestions. I think Senate Finance, through their unprecedented three days of public hearings opened the process up. Certainly, I don't think that it is the intent of the Chair or the intent of any member of this body to deny someone the opportunity to amend any bill that comes before this

body. However, as we have seen earlier on in the debate, the question of impact is one that has to be looked at and I guess my caution has always been that as we take action on this floor, that we have to understand the full impact in particular, as it applies to the budget. You are talking about a very complicated document, across the board statements that can't be substantiated and in their impact are something that will have a negative affect on the state and the state's ability to deliver services. So I would like to try and move the debate to the issue of getting a budget before the people of the state find us and the legislature incapable of dealing with that issue.

MOTION TO RECOMMIT

SENATOR HUMPHREY: First of all, I thank Senator Chamber, I beg your pardon, I thank Senator Nelson. How's that for gratitude? I thank Senator Nelson for bringing us all down to earth and I will try to remain there. But this is a real proposal. Now it might not have been made before the Finance committee. But nowhere in the Rules are you required to make your motion or offer your amendment first in the Finance committee. You can offer it anywhere along the process. This is perfectly consistent with Rules and precedence in good order and I am simply exercising the right that any Senator has to make such a motion. It is a real cut. You can save according to the Senate President \$23,000,000 over the biennium and you can apply the savings so that you don't have to leave the Rooms and Meals tax at 8 percent, thus depressing the tourist industry.

Senator Humphrey moved to recommit HB 25-A to Finance.

Senator Currier moved the question.

Adopted.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Heath.

The following Senators voted yes: Heath, Humphrey.

The following voted no: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, Colantuono, McLane, Podles, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 2

Nays: 22

MOTION TO RECOMMIT FAILS.

SENATOR HOUGH: First, Mr. President, I offer a floor amendment on behalf of the Finance committee. It is the document that had been passed out to you with the blank sheet saying floor amendment to HB 25. This amendment specifically restores 29 positions in

the Department of Health and Human Service, the Human Service Division. It allows for those federally funded employees that are presently on board to continue the work of collecting or recovering from delinquent fathers. That is what the issue is. And these people are out there recovering child support payments and that is not quite their title, but I will pick it up, but that is who they are. And nobody can tell us why in fact these positions are not in the budget. There was never a policy decision in the committee. It was a drafting problem. Second, as we all know the skewing of the resources to the University System as originally printed was incorrect. And the second part of this amendment properly places the support of our higher education in the proper lines by the proper ratios. The other changes in this amendment are just technical amendments that the LBA has picked up in reviewing the document as it came out of the system. Those changes are typical of an amendment that is offered on the floor in each session. Obviously, this is a highly sophisticated and complicated document. And these dots that are corrected here will allow us to move forward more correctly. I offer this on behalf of the committee, the two parts of the University piece, the Human Service piece. You have to vote to support this amendment, because it puts our document in it's proper condition. After accepting this I would tell you that Senator Hollingworth will offer a second floor amendment on behalf of the committee that has to do with the Hic-Pic issue that was resolved prior to opening of this session. Vote for this amendment then support Senator Hollingworth.

SENATOR COLANTUONO: I hope that I didn't miss this, but what is the bottom line effect of this amendment on the budget, plus or minus?

SENATOR HOUGH: It doesn't effect.

SENATOR COLANTUONO: It doesn't change the numbers?

SENATOR HOUGH: There are 29 federally funded positions that fell through the crack. That is on the people that recover payments that fathers that abandon their families and defaults. The University is clearly zero. It's the same dollars, just on a different line.

SENATOR OLESON: It says down here, extension work in counties. According to the figures here the money for the county extension work has been cut some \$300,000?

SENATOR HOUGH: No, Senator Oleson. That isn't the issue. We are funding the University by our amendment at \$112,000,000, okay. And that money goes into the various lines on the higher education piece. And I have gone over that with Senator Shaheen. The way it was originally put in there, skewed a significantly greater amount of

money to the extension work in the counties more money than they can justifyingly use and didn't fund the campuses. It is a technical error. It doesn't change to the 112. And Senator Shaheen has gone over that with me.

SENATOR OLESON: Thank you, Senator. I understand how it works, the money comes to the University system then it goes back into the counties. I understand the process, so the money is still there, that is what I wanted to know?

SENATOR SHAHEEN: I would like to commend Senate Finance and the Senate position which I am hopeful that we will all support to reinstate money back to the University system. What it amounts to is about a .3 increase across the board to the colleges in the University system. I think this is an excellent investment in the future of New Hampshire and in the education of our young people. It will be returned many times to the state in the long term, so I urge everyone to support that piece of it.

Senator Hough offered a floor amendment.

AMENDMENTS TO	PAGE	1	05/28/91	AMENDMENT 1 OF THE BILL BY MAKING THE FOLLOWING SPECIFIED CHANGES, AND BY CHANGING SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED TO REFLECT THE SPECIFIED CHANGES.		FISCAL YEAR 1992		FISCAL YEAR 1993	
HB25									
01 GENERAL GOVERNMENT 07 REVENUE ADMINISTRATION 01 COMMUNITY SERVICES 01 ADMINISTRATION									
STRIKE OUT									
90 MOVING EXPENSES				G *	300,000				
INSERT IN PLACE THEREOF									
90 MOVING EXPENSES				G *	300,000		210,000		
TOTAL						889,356		759,699	
ESTIMATED SOURCE OF FUNDS FOR									
ADMINISTRATION									
STRIKE OUT									
GENERAL FUND					889,356			549,699	
INSERT IN PLACE THEREOF									
GENERAL FUND					889,356			759,699	
TOTAL					889,356			759,699	
TOTAL					2531,714			2354,680	
ESTIMATED SOURCE OF FUNDS FOR									
COMMUNITY SERVICES									
GENERAL FUNDS					1824,932			1614,506	
OTHER FUNDS					706,782			740,174	
TOTAL					2531,714			2354,680	
TOTAL					8550,095			8403,015	
ESTIMATED SOURCE OF FUNDS FOR									
REVENUE ADMINISTRATION									
GENERAL FUNDS					7842,418			7662,841	
OTHER FUNDS					707,677			740,174	
TOTAL					8550,095			8403,015	
01 GENERAL GOVERNMENT 08 STATE TREASURY 04 SPECIAL GENERAL FUND DISTRIB									
STRIKE OUT									
43 DEBT SERVICE (TREASURY)					48680,498			57458,257	

AMENDMENTS TO PAGE 2 05/28/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
08 STATE TREASURY
04 SPECIAL GENERAL FUND DISTRIB

INSERT IN PLACE THEREOF
43 DEBT SERVICE (TREASURY)

45546,014 87896,521 54613,690 127261,152

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SPECIAL GENERAL FUND DISTRIB

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

91031,005 130105,719
87896,521 127261,152
87896,521 127261,152

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STATE TREASURY

GENERAL FUNDS
OTHER FUNDS
TOTAL

88620,225 128002,505
296,279 300,256
88916,504 128302,761

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
GENERAL GOVERNMENT

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

195435,731 237268,269
28842,772 28351,082
152534,405 195215,088
14058,554 13702,099
195435,731 237268,269

03 RESOURCE PROTECT N & DEVELOP T
03 RESOURCES & ECONOMIC DEVELOP T
04 DIVISION PARKS AND RECREATION
05 MARINE SERVICES BUREAU

ESTIMATED SOURCE OF FUNDS FOR
MARINE SERVICES BUREAU

STRIKE OUT
09 PARK FEES

116,891 117,151

AMENDMENTS TO	PAGE	3	05/28/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
HB25						
03 RESOURCE PROTECTION & DEVELOPMENT						
03 RESOURCES & ECONOMIC DEVELOPMENT						
04 DIVISION PARKS AND RECREATION						
05 MARINE SERVICES BUREAU						
(CONT.)						
(CONT.)						
(CONT.)						
INSERT IN PLACE THEREOF						
09 AGENCY INCOME				116,891	117,151	
TOTAL				116,891	117,151	
TOTAL						4491,269
ESTIMATED SOURCE OF FUNDS FOR				4411,081		
DIVISION PARKS AND RECREATION						
OTHER FUNDS				4411,081		4491,269
TOTAL				4411,081		4491,269
TOTAL				16441,958		16540,041
ESTIMATED SOURCE OF FUNDS FOR						
RESOURCES & ECONOMIC DEVELOPMENT				358,631		361,438
FEDERAL FUNDS				11206,221		11206,248
GENERAL FUNDS				4877,106		4972,355
OTHER FUNDS				16441,958		16540,041
TOTAL						
03 RESOURCE PROTECTION & DEVELOPMENT						
05 PEASE DEVELOPMENT AUTHORITY						
STRIKE OUT						
90 ADMINISTRATION & OPERATIONS				1		1
ESTIMATED SOURCE OF FUNDS FOR						
PEASE DEVELOPMENT AUTHORITY						
STRIKE OUT						
GENERAL FUND				1		1
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				66183,330		67264,007
RESOURCE PROTECTION & DEVELOPMENT						
FEDERAL FUNDS				21626,451		22216,743
GENERAL FUNDS				19218,083		19401,883

AMENDMENTS TO PAGE 4 05/28/91
HB25

03 RESOURCE PROTECTION & DEVELOPMENT

(CONT.)

FISH AND GAME
OTHER FUNDS
TOTAL

6745,830 6762,441
18592,966 18882,940
66183,330 67264,007

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
02 PROGRAM OPERATIONS
03 SUPPORT ENFORCEMENT

STRIKE OUT	2822,190	2854,330
10 PERSONAL SERVICES - PERMANENT		
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	3419,032	3476,431
STRIKE OUT	95,000	95,000
20 CURRENT EXPENSES		
INSERT IN PLACE THEREOF	124,000	126,900
20 CURRENT EXPENSES		
INSERT	90,700	
30 EQUIPMENT NEW/REPLACEMENT		
STRIKE OUT		
60 BENEFITS	846,657	856,299
INSERT IN PLACE THEREOF	1025,710	1042,929
60 BENEFITS		
INSERT	31,200	35,100
70 IN-STATE TRAVEL		

5524,093

5508,110

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SUPPORT ENFORCEMENT

STRIKE OUT	3100,483
FEDERAL FUNDS	
INSERT IN PLACE THEREOF	3652,980
FEDERAL FUNDS	
STRIKE OUT	1084,479
GENERAL FUND	
INSERT IN PLACE THEREOF	1407,713
GENERAL FUND	

AMENDMENTS TO HB25	PAGE	5	05/28/91		----- FISCAL YEAR 1992 -----	----- FISCAL YEAR 1993 -----
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)		
04 DIVISION OF HUMAN SERVICES				(CONT.)		
02 PROGRAM OPERATIONS				(CONT.)		
03 SUPPORT ENFORCEMENT				(CONT.)		
TOTAL				5508,110	5524,093	
TOTAL				15439,824	15481,081	
ESTIMATED SOURCE OF FUNDS FOR						
PROGRAM OPERATIONS						
FEDERAL FUNDS				9488,271	9516,725	
GENERAL FUNDS				5264,953	5266,956	
OTHER FUNDS				686,600	697,400	
TOTAL				15439,824	15481,081	
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
04 DIVISION OF HUMAN SERVICES						
04 FINANCIAL GRANTS						
01 AID TO FAMILIES W/ DEPENDENTS						
ESTIMATED SOURCE OF FUNDS FOR						
AID TO FAMILIES W/ DEPENDENTS						
STRIKE OUT				1600,000	1600,000	
09 AGENCY INCOME						
INSERT IN PLACE THEREOF				2187,931	2187,931	
09 AGENCY INCOME						
STRIKE OUT				23507,300	23613,470	
GENERAL FUND						
INSERT IN PLACE THEREOF				22919,369	23025,539	
GENERAL FUND				50239,708	50452,154	
TOTAL				270990,613	288113,851	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
FINANCIAL GRANTS				131463,217	139560,467	
FEDERAL FUNDS				93153,186	98431,308	
GENERAL FUNDS				46374,210	50122,076	
OTHER FUNDS				270990,613	288113,851	
TOTAL						
TOTAL				297408,195		314807,436

AMENDMENTS TO PAGE 6 05/28/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

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(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES

ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF HUMAN SERVICES
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

146264,577
104082,708
47060,810
297408,195
154508,206
109478,754
50819,476
314807,436

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
06 NEW HAMPSHIRE HOSPITAL
02 NHH - FACILITY/PATIENT SUPPORT

ESTIMATED SOURCE OF FUNDS FOR
NHH - FACILITY/PATIENT SUPPORT
STRIKE OUT
01 OTHER AGENCY FUNDS
INSERT IN PLACE THEREOF
01 PHILBROOK-TOBEY SERVICES
TOTAL

481,902
481,902
10553,560
39874,869
491,345
491,345
10696,668
39502,395

ESTIMATED SOURCE OF FUNDS FOR
NEW HAMPSHIRE HOSPITAL
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

354,505
38720,759
799,605
39874,869
379,073
38300,658
822,664
39502,395

183027,273

185448,048

ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF MENTAL HEALTH
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

52285,152
129177,863
1564,258
183027,273

54440,610
129406,940
1600,498
185448,048

596935,624

618939,897

AMENDMENTS TO PAGE 7 05/28/91
HB25

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS

(CONT.)
(CONT.)

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

ESTIMATED SOURCE OF FUNDS FOR
DEPT OF HEALTH AND HUMAN SVCS

FEDERAL FUNDS	238419,043	249920,372
GENERAL FUNDS	293946,298	300767,681
OTHER FUNDS	64570,283	68251,844
TOTAL	596935,624	618939,897
TOTAL	601601,937	624017,387

ESTIMATED SOURCE OF FUNDS FOR
HEALTH AND SOCIAL SERVICES

FEDERAL FUNDS	239846,187	251479,087
GENERAL FUNDS	295178,545	302094,512
OTHER FUNDS	66577,205	70443,788
TOTAL	601601,937	624017,387

06 EDUCATION
06 HIGHER EDUCATION FUND
01 UNH - DURHAM

STRIKE OUT		
90 UNH - DURHAM	185308,000	193675,000
INSERT IN PLACE THEREOF		
90 UNH - DURHAM	188727,230	199192,230

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UNH - DURHAM

	188727,230	199192,230
--	------------	------------

STRIKE OUT

06 AGENCY INCOME	78470,000	80918,000
INSERT IN PLACE THEREOF		
06 AGENCY INCOME	80770,000	84952,000
STRIKE OUT		
GENERAL FUND	32050,000	31686,000
INSERT IN PLACE THEREOF		
GENERAL FUND	33169,230	33169,230

AMENDMENTS TO PAGE 8 05/28/91
HB25

(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
06 HIGHER EDUCATION FUND
01 UNH - DURHAM

TOTAL

188727,230

199192,230

06 EDUCATION
06 HIGHER EDUCATION FUND
02 KEENE STATE COLLEGE

STRIKE OUT
90 KEENE STATE COLLEGE
INSERT IN PLACE THEREOF
90 KEENE STATE COLLEGE

37112,000

38577,000

37146,981

38872,981

TOTAL

37146,981

38872,981

ESTIMATED SOURCE OF FUNDS FOR
KEENE STATE COLLEGE

STRIKE OUT

06 AGENCY INCOME

16292,000

16877,000

INSERT IN PLACE THEREOF

06 AGENCY INCOME

15921,000

16767,000

STRIKE OUT

GENERAL FUND

6472,000

6472,000

INSERT IN PLACE THEREOF

6877,981

6877,981

GENERAL FUND

37146,981

38872,981

TOTAL

06 EDUCATION

06 HIGHER EDUCATION FUND

03 PLYMOUTH STATE COLLEGE

STRIKE OUT

90 PLYMOUTH STATE COLLEGE

36865,000

38167,000

INSERT IN PLACE THEREOF

37209,308

38869,308

90 PLYMOUTH STATE COLLEGE

TOTAL

37209,308

38869,308

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 9 05/28/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
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(CONT.)

06 EDUCATION
06 HIGHER EDUCATION FUND
03 PLYMOUTH STATE COLLEGE

ESTIMATED SOURCE OF FUNDS FOR

PLYMOUTH STATE COLLEGE

STRIKE OUT			
06 AGENCY INCOME	16953,000		17514,000
INSERT IN PLACE THEREOF			
06 AGENCY INCOME	16905,000		17824,000
STRIKE OUT			
GENERAL FUND	7373,000		7373,000
INSERT IN PLACE THEREOF			
GENERAL FUND	7765,308		7765,308
TOTAL	37209,308		38869,308

06 EDUCATION
06 HIGHER EDUCATION FUND
04 UNH - MANCHESTER

STRIKE OUT
90 UNH - MANCHESTER
INSERT IN PLACE THEREOF
90 UNH - MANCHESTER

4857,000	5125,000
4404,984	4560,984

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

UNH - MANCHESTER

4404,984

4560,984

STRIKE OUT
06 AGENCY INCOME
INSERT IN PLACE THEREOF
06 AGENCY INCOME
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

3026,000	3275,000
2689,000	2826,000
1180,000	1180,000
1064,984	1064,984
4404,984	4560,984

06 EDUCATION
06 HIGHER EDUCATION FUND
05 SCHOOL OF LIFELONG LEARNING

STRIKE OUT
90 SCHOOL OF LIFELONG LEARNING

3413,000

3597,000

AMENDMENTS TO PAGE 10 05/28/91
HB25

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
06 HIGHER EDUCATION FUND
05 SCHOOL OF LIFELONG LEARNING

INSERT IN PLACE THEREOF
90 SCHOOL OF LIFELONG LEARNING

TOTAL	3265,966	3265,966	3409,966
ESTIMATED SOURCE OF FUNDS FOR			
SCHOOL OF LIFELONG LEARNING			
STRIKE OUT			
06 AGENCY INCOME	2368,000		2544,000
INSERT IN PLACE THEREOF			
06 AGENCY INCOME	2368,000		2504,000
STRIKE OUT			
GENERAL FUND	893,000		893,000
INSERT IN PLACE THEREOF			
GENERAL FUND	745,966		745,966
TOTAL	3265,966		3409,966

06 EDUCATION
06 HIGHER EDUCATION FUND
06 UNH - CONSULTING CENTER

STRIKE OUT
90 UNH - CONSULTING CENTER
INSERT IN PLACE THEREOF
90 UNH - CONSULTING CENTER

1862,000	2074,000
1834,169	2039,169

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UNH - CONSULTING CENTER

1834,169

2039,169

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

152,000

159,000

124,169

124,169

1834,169

2039,169

06 EDUCATION
06 HIGHER EDUCATION FUND
07 AGRICULTURAL EXPERIMENT STAT

STRIKE OUT
90 AGRICULTURE EXPERIMENT STATION

4494,000

4637,000

AMENDMENTS TO PAGE 12 05/28/91
HB25

(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
06 HIGHER EDUCATION FUND
09 UNH COOP EXTENSION SERVICE

INSERT IN PLACE THEREOF
90 UNH COOP EXTENSION SERVICE

2879,588	2879,588	2879,588
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TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UNH COOP EXTENSION SERVICE

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

1679,000	1787,000
1158,588	1158,588
2879,588	2879,588

06 EDUCATION
06 HIGHER EDUCATION FUND
11 EXTENSION WORK IN COUNTIES

STRIKE OUT
90 EXTENSION WORK IN COUNTIES
INSERT IN PLACE THEREOF
90 EXTENSION WORK IN COUNTIES

2238,000	2307,000
1947,788	1947,788

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
EXTENSION WORK IN COUNTIES

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

678,000	747,000
387,788	387,788
1947,788	1947,788

06 EDUCATION
06 HIGHER EDUCATION FUND
12 N H PUBLIC TELEVISION

STRIKE OUT
90 N H PUBLIC TELEVISION

5738,000	5853,000
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----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

AMENDMENTS TO PAGE 14 05/28/91
HB25

(CONT.)
(CONT.)

06 EDUCATION
06 HIGHER EDUCATION FUND

ESTIMATED SOURCE OF FUNDS FOR
HIGHER EDUCATION FUND
GENERAL FUNDS
OTHER FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EDUCATION
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
SWEEPSTAKES FUNDS
TOTAL

56000,000	56000,000
235572,000	250419,000
291572,000	306419,000
462603,153	479845,115
59409,113	60734,448
101658,040	97646,186
297162,410	317087,224
4373,590	4377,257
462603,153	479845,115

----- FISCAL YEAR 1992 ----- FISCAL YEAR 1993 -----

Floor Amendment Adopted.

SENATOR HOLLINGWORTH: I would like to ask the Senate to look at the amendment before you. It is being passed out, it's 3120L. This amendment will restore the funds for the local units of . . . Excuse me, I had better start all over. In the budget there was an increase to the county funds for the home base care and this amendment will remove that county expenditure and put it back where it rightfully belongs out of coming from the general fund. Presently, the state pays 50, the feds pay 50. Under the proposal that we passed in the budget, it would have changed that funding from county to 31 percent, the state 19 percent, and the feds 15 percent. That would have meant that over the biennium a \$400,149,000 increase to the counties. And I stand before you to tell you that it is the decision of both the Finance, and hopefully yours, that this is not what our intentions are to increase any burden on our local property taxpayers or our counties.

Senator Hollingworth offered a floor amendment.

Floor Amendment to HB 25-A

Amend PAU 05, 01, 04, 04, 06 as inserted by section 1 of the bill by making the specified changes:

05 Health and Social Services		
01 Dept. of Health and Human Services		
04 Division of Human Services		
04 Financial Grants		
06 Nursing Services		
Insert in Place Thereof		
Federal Funds	62,318,124	67,866,798
Strike Out		
05 County Funds	38,827,358	41,696,384
Insert in Place Thereof		
05 County Funds	36,596,264	39,778,547
Strike Out		
General Fund	23,968,509	26,102,615
Insert in Place Thereof		
General Fund	26,199,603	28,020,452
Total	124,573,991	135,665,797
Total	270,990,613	288,113,851
Floor Amendment Adopted.		

SENATOR J. KING: I have an amendment relative to layoffs. We hope that this never does happen and we also know that the mission of an agency is usually accomplished by the people out in the field. It does not take away from the importance of the middle management

or the top management. But the most effective job as far as doing the mission of any agency is the people who actually do the work that that agency was created for. Therefore, this amendment is relative to the priorities and layoffs. Basically, it says that if layoffs become necessary during the biennium ending June 30, 1993, the Commissioner or head of each department shall make layoffs in the following supervisory, managerial, and administrative positions. And I list them: The Deputy Commissioner, the Deputy Director, Assistant Commissioner, Assistant Director, Administrator III, II, and I, and any supervising mid-level management positions. Again, in the event that layoffs do become necessary and we all hope that they don't, it is the intent of the General Court that the reductions be made from supervisory and managerial staff prior to any reductions in non supervisory and non-managerial staff. Again, hopefully, it won't be necessary, but we would like that instruction there if it does become necessary. It doesn't come from the people out in the field. It comes from the top middle management.

Recess.

Out of recess.

Senator J. King has withdrawn his floor amendment.

Ordered To Third Reading.

Senators Colantuono, Heath and Humphrey are opposed to HB 25-A.

Recess.

Out of recess.

HB 353-FN-A, an act to tax smokeless tobacco and making an appropriation therefor. Ways & Means committee. Majority Report Ought To Pass With Amendment. Senator Humphrey for the committee. Minority Report Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR HUMPHREY: Mr. President, this is the so called smokeless tobacco bill. The bill as it came to the committee adds smokeless tobacco to the tobacco products which are subject to taxation. The majority in the committee felt that it was ill advised to try and tax smokeless tobacco for a number of reasons which I will detail in just a moment. Instead the committee used the bill, the majority used the bill as a vehicle as can be determined by looking at page 25 in the calendar, the majority report. The majority amendment to make it unlawful for persons under the age of 18 to possess any kind of tobacco product. So that the law will read if the majority amendment is adopted: no person under 18 years of age shall pur-

chase, use, or possess tobacco products. Presently, it is unlawful to sell to persons under 18. This will make it unlawful for persons under 18 to possess any kind of tobacco product, whether smoked, chewed, or placed in your navel. So the essence of the situation is that the majority decided that taxing smokeless tobacco was not a great idea and used the bill as a vehicle through the amendment to make it unlawful for persons under 18 to possess tobacco. Now the reason that we concluded, the majority concluded that it didn't make sense to tax smokeless tobacco is that it is a very small market to begin with and the cross border sales are a significant factor. And if we tax smokeless tobacco at the same rate as we must constitutionally as we tax smoking tobacco it would probably drive a lot of these out of state sales away from the state of New Hampshire and yield the state after you deduct administrative cost and enforcement cost very, very, little money if any. So it just didn't seem to make much sense. Now Senator McLane as is often the case, has her own view on this matter and she has a minority amendment. But the majority felt to conclude it made no sense to tax smokeless tobacco. It is not going to raise any net money. It would be a big pain in the neck. It would drive sales out of state and with those lost sales, lost collateral sales, or whatever they are called when people buy other products. Whereas it does make a lot of sense to make unlawful, the possession of any kind of tobacco by persons 18 or under.

SENATOR COLANTUONO: Senator Humphrey, could you explain why the House took out the tax on pipe tobacco, or cigars or the other manners? I think it is important for the body to understand what is happening here?

SENATOR HUMPHREY: Well, the Senator raises a good point by way of a question. We do not tax as Senator Currier knows, we do not tax pipe tobacco. Senator Delahunty knows that we don't tax cigar tobacco. I mean there is a certain inconsistency here, but we thought it would be best not to make it worse. Besides which a tax on smokeless tobacco will not raise much money now if any and it will drive collateral sales out of the state. I think Senator McLane has concerns about health, and those are legitimate concerns, but I will let her speak for herself.

SENATOR PODLES: Senator Humphrey, could you give us a break down of the majority and the minority of your committee?

SENATOR HUMPHREY: The number?

SENATOR PODLES: Yes.

SENATOR HUMPHREY: I would have to ask the Chairman. Was it 3 to 2?

SENATOR MCLANE: It was 3 to 2 and I believe it was you and Senator Russman and Senator King, and Senator Hollingworth and I were the two.

SENATOR DISNARD: Senator Humphrey, I have two questions that are related. Number one, who would enforce this, and what is the penalty?

SENATOR HUMPHREY: Who would enforce the . . .

SENATOR DISNARD: If this is passed and approved, who would enforce the youngster, younger adults, excuse me, under the age of 18 possessing some type of smoke?

SENATOR HUMPHREY: The answer is, I don't know.

SENATOR DISNARD: What is the penalty? Why would the police enforce something if there is no penalty? What is in the amendment, I didn't see that?

Recess.

Out of recess.

SENATOR HUMPHREY: To answer Senator Disnard's question. If you will refer, if the Senator's will refer to page 25, the majority amendment. It makes clear that we are amending RSA 78:12-b, II. Wherein I presume, the appropriate penalties and enforcement mechanism are stated. Unfortunately, that supplement is missing from the copy of the RSAs we have and that is the best answer that I can give. But it will be the same penalty and the same enforcement mechanism as it already stands in that statute.

SENATOR HOLLINGWORTH: I can answer that question. The penalty is a violation.

SENATOR MCLANE: I have been looking forward to this all day long. A real "spitting match". This bill to tax smokeless tobacco has been a long and interesting fight for both Senator Currier and myself. We were part of a study committee with a long fight with the best lobbyist in the state of New Hampshire to even get this to study. We had a study committee over last summer and I am going to be kind to you all today. I am not going to pass around the pictures that were brought in by the doctor, Doctor Warren Emley, who is the cancer jaw specialist at the Concord Hospital. Because I believe if you saw those pictures, they would be a forceful and important reason for you to want to go along with the minority report of our committee and to pass this smokeless tobacco tax. There was evidence in the committee that for young people particularly, price is a strong deterrent to use. And that those people that are addicted to tobacco

are almost always addicted before they are 22 years of age. And that with young people particularly, a rise in price means fewer people smoking or spitting and, chewing and spitting. Thirty-five other states have a tobacco tax that covers chewing tobacco. Maine has one, Vermont has one, Massachusetts has one. The reason that we do not have pipe tobacco and cigars in there is a hard one. But it is because of the way that our Constitution is written, that you have to tax everything proportionately. And they are so expensive that if you tax them in portion to how we tax cigarettes, it would drive people to buy their cigars and pipe tobacco away from this state. But chewing tobacco is another matter. There are 1.5 million in sales in the state of New Hampshire and this has been verified again, and again, in the studies done by the Department of Revenue. This would be a tax put on at the wholesale place. There are less than 100 wholesalers who sell chewing tobacco or smokeless tobacco. It is an easy tax to administer. The cost is estimated at \$4,000. And it brings in, the cost of administration. It brings in \$400,000. Now if you want to say that is peanuts, that is fine with me. But I don't think so. That could mean the Medical Assistance Program in the second year. That \$400,000 could mean some very significant back up to our budget. For health reasons, for fairness reasons and for the money, I would ask that you vote for this simple tax, because it seems to me if you "ain't gonna tax spitting" we shouldn't be going on to anything else, and we need the money.

SENATOR COLANTUONO: Senator McLane, I would like clarification on the figures. Are you saying that it would cost \$400,000 to administer and raise \$400,000 so that the net would be \$0?

SENATOR MCLANE: No. I said \$4,000 to administer and \$400,000 in revenue is estimated. And that's the lowest figure.

SENATOR COLANTUONO: How are you deriving the figures of how much this tax would raise? Is it from present sales, or is it based on the theory that sales will go down after you administer the tax?

SENATOR MCLANE: It is from present sales. The percentage of smokeless tobacco as a percentage of the tobacco sales in the state of New Hampshire.

SENATOR COLANTUONO: So I understand that your argument to be though that raising the tax on this item will mean lowered sales in youths. So doesn't that necessarily mean that we won't raise the \$400,000 that is based on present sales?

SENATOR MCLANE: There has been a gradual increase in the amount of smokeless tobacco sold. And I am assuming that one will

offset the other. I also think that probably the people who buy smokeless tobacco, unlike those who buy cigars are not a particular mobile consumer group.

SENATOR COLANTUONO: If your theory on this tax is that raising the tax means lowered sales in youths of the products or service, do you intend to follow the same logic when we come to the Rooms and Meals Tax and the other taxes that we are going to discuss here today?

SENATOR MCLANE: I think that I gave my reasoning. It is that the lowered use is going to be in the young smoker. And I, we are changing something here. We are not changing anything with Room and Meals. It has been 8 percent and it is going to stay 8 percent. So I think that there is a difference there. I also would stand by the study that has been done by the Division of Revenue Administration.

SENATOR CURRIER: I rise in opposition to the majority report and in support of the minority report in terms of taxing smokeless tobacco. I was the Chairman of the study committee that was formed a number of years, two years ago, I believe it was and we studied all hot summer long. The taxation plan for all tobacco products. It was a very heavily lobbied bill and thanks to the results of that lobbying, I don't pay any taxes on my pipe tobacco, nor does Senator Delahunty pay any tax on his cigars. So what it means is that you discriminate against other smokers again. And we passed another bill earlier dealing with smokers. I find it kind of ironic that this Senate has not supported the tax on this product in the last two sessions. And I urge my colleagues to vote for this tax if it saves one job. The amount of revenue has been documented by the Department of Revenue Administration. There has been in discussions during the last proceedings that the actual tax would cost as much to administer it and in fact, that would be the case if we were taxing it like we do cigarettes, by using a tax stamp. What we are advocating here is the use of a report. Very similar to the report that is generated by those people who pay \$5 for the purpose of collecting the Rooms and Meals Tax. That report is then sent in along with the check to the Department of Revenue Administration and if it only collects \$300,000 I would be very happy. Because that would mean that that is \$300,000 that we could put towards other more meaningful programs in the state of New Hampshire. I won't belabor it is hot. I won't belabor it much later. But I would urge my colleagues, once and for all to send a message to the youths of this state, that smokeless tobacco should not be used by members who are under 18 years of age. They cannot buy it legally under state statute and so

the amendment that you are actually talking about dealing with is making it illegal to possess, which means a coach. As one of the lobbyists indicated to me. It could or a parent could say, take it away from them, based on that statute. I think that with the current, is adequate in dealing with the age issue, but I think that adding this tax is a meaningful way to send another message to the youth of this state loud and clear.

SENATOR HEATH: Senator Currier, is the philosophy that I am discerning that is coming from you that legal, but unhealthy substances ought to be taxed to discourage their use by children?

SENATOR CURRIER: I guess you could assume that, Senator.

SENATOR HEATH: Would you then support an ice cream tax, or a butter tax?

SENATOR CURRIER: No, I would not, Senator.

SENATOR HEATH: Do you believe that those are healthy properties to ingest?

SENATOR CURRIER: It depends on one's physical state. I would suggest that you not imbibe.

SENATOR HUMPHREY: Well Mr. President, as the designated member of the committee to present the majority report, am I actually restricted to two speeches?

SENATOR DELAHUNTY: No.

SENATOR HUMPHREY: Just for my further education, I didn't think that rule applied. I so have been advised by my advisors here anyway. Well, not to prolong this, Mr. President, but I find it ironic that we are going to raise a tax on smokeless tobacco in the hopes that it will cut down on jaw cancer. And that certainly is a fine motivation, but in the very state that instructs the Commissioners, the Liquor Commissioners to maximize their sales. Well, it seems to me there is a connection between alcohol. Especially distilled spirits. Well maybe I will strike that one, but there is a connection between alcohol and alcoholism. There is a connection between alcohol and various forms of cancer of the alimentary track, I believe. And this is the state that presses the Liquor Commission to maximum sales. And now we are going to raise taxes on smokeless tobacco for reasons of health. Seems rather inconsistent. But in any event, may I just point out again, the last time that the majority report outlaws not only the sale now, which is current law, but the possession of any form of tobacco by persons 18 or under. Presumably, those 18 years or older have sufficient maturity in judgment to assess the health

risks of various practices. So I would urge the committee for those reasons and also, for the reason that a large part of the sales of this smokeless tobacco is cross border and by discouraging such cross border sales, we not only discourage the sale of smokeless tobacco, but all of those other items. There are other items that people just incidentally buy when they come to our state, because certain commodities are cheaper here than they are elsewhere.

SENATOR CURRIER: Senator Humphrey, as part of our study committee, and I don't remember who, but someone in that study committee brought to us a bag of Redman Chew, which is smokeless tobacco. It looked identical to Redman Chew tobacco. But it was labeled bubble gum. Now the thing is, what kind of a message is that sending to our young people in terms of the use of smokeless tobacco?

SENATOR HUMPHREY: What kind of a message do we send when we fund the construction of liquor stores alongside the highway?

SENATOR RUSSMAN: I rise to support what Senator Humphrey says relative to the smokeless tobacco. Senator John King and myself were in the majority in the committee and basically, I think the idea that the cigars and pipe tobacco were not taxed lead us to feel that it was a discriminatory tax. It is not raising a tax. It is a new tax on a particular product. And I think that it is clearly discriminatory. We are trying to get people to come here to New Hampshire to buy things. We did not lower the cigarette tax on cigarettes and so I am not so sure that it is wise to also make a new tax on the smokeless tobacco in terms of trying to get people to come here in this state to buy a product. We did make it illegal to possess; the statutory reference is here and it is \$25 for the first offense and it's \$50 for second and subsequent offenses in terms of what it means in the violation. Obviously, if you are trying to create small people, young people not having smokeless tobacco, you ought not to do it by a taxing mechanism. That ought to be done to raise revenues really and I think that perhaps we are missing the boat when we single out one particular product when there are others like cigars and chewing tobacco. And I have to admit the old ad that comes to mind "It's not what you know, it's who you know when we find . . ." No one in the Senate indulges in smokeless tobacco from what I know.

Amendment to HB 353-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the use and possession of tobacco products by persons under 18 years of age.

Amend the bill by replacing all after the enacting clause with the following:

1 Use or Possession of Tobacco Products by Persons Under Age 18. Amend RSA 78:12-b, II to read as follows:

II. No person shall sell tobacco products or distribute promotional samples of any tobacco product to a person under 18 years of age. No person under 18 years of age shall purchase, **use, or possess** tobacco products. **The prohibition established by this paragraph shall not be deemed to prohibit persons under the age of 18 years employed by any manufacturer, wholesaler, subjobber, vending machine operator, or retailer from performing the necessary handling of tobacco products during the duration of their employment.**

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill prohibits persons under age 18 from using or possessing tobacco products. The bill allows such persons to handle tobacco products as part of their employment.

A Roll Call was requested by Senator St. Jean.

Seconded by Senator McLane.

The following Senators voted yes: Heath, Dupont, Nelson, Colantuono, Podles, Humphrey, J. King, Russman.

The following Senators voted no: Oleson, W. King, Fraser, Hough, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, McLane, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 8

Nays: 16

Majority Amendment Fails.

Senator Heath moved to Have HB 353-FN-A, Laid On The Table.

Motion to Table Fails.

Minority Report: Ought To Pass With Amendment: Senator McLane for the committee.

SENATOR MCLANE: I move that we tax smokeless tobacco, and make ourselves \$400,000, save a few kids along the way. Adopt the amendment which was adopted as the majority report as well, as it

is printed in the calendar. Now the majority report we both adopted the amendment, and so the amendment which says that possession under 18, which most people thought was the law is part of the minority report as well.

SENATOR DELAHUNTY: Does that clarify the issue, as listed as the minority report in the calendar?

SENATOR MCLANE: Yes.

Senator McLane moved Ought To Pass on the Minority Amendment.

Amendment to HB 353-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

to tax smokeless tobacco and making an appropriation
therefor, and relative to prohibiting the use
and possession of tobacco products by
persons under 18 years of age.

Amend the bill by replacing section 9 with the following:

9 Use or Possession of Tobacco Products by Persons Under Age 18. Amend RSA 78:12-b, II to read as follows:

II. No person shall sell tobacco products or distribute promotional samples of any tobacco product to a person under 18 years of age. No person under 18 years of age shall purchase, use, or possess tobacco products. **The prohibition established by this paragraph shall not be deemed to prohibit persons under the age of 18 years employed by any manufacturer, wholesaler, subjobber, vending machine operator, or retailer from performing the necessary handling of tobacco products during the duration of their employment.**

10 Effective Date.

I. Sections 1-8 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds smokeless tobacco to the tobacco products which are subject to taxation under RSA 78.

The tax upon smokeless tobacco is imposed at a rate proportional to the cigarette tax, having such ratio to the usual wholesale price of the smokeless tobacco as the cigarette tax bears to the usual wholesale price of the cigarettes.

The bill also authorizes the commissioner of revenue administration to exempt smokeless tobacco from having stamps affixed to the packages, and to require the submission of periodic reports by wholesalers in place of the stamps.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax on smokeless tobacco.

This bill also prohibits persons under age 18 from using or possessing tobacco products. The bill allows such persons to handle tobacco products as part of their employment.

Minority Amendment Adopted.

Ordered To Third Reading.

Senators Colantuono, Heath, Nelson and Russman in opposition to HB 353-FN-A.

HB 390, an act relative to technical corrections in the liquor laws. Ways & Means committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: There is a floor amendment to that as well. Yes, I guess you had better pass it out. While that is being passed out on HB 390 this went through a rather lengthy and somewhat vital transformation at the time and then back to what it originally was. The reason for the floor amendment basically, is that when the thing was printed in our calendar, there were two things left off when it came out of Legislative Services for drafting last night. One was to make it 18 years of age in terms of dining hall. At one point Senator Hollingworth and myself wanted to, we talked about a 16 year old waitress being able to transport alcohol from the bar to the table and then we went back to 18. And the other thing was in the primary source, the idea would be that if the law as it is, we added the word that if the commission failed to take a vote as required, which it is that they shall do, it shall be potentially punishable by termination of their employment. There were a number of other things. This allows the retail grocers and the beer people to have 10 day credit in terms of payment of their bill. It opens up an allowance for a paved racetrack to be able to apply for a liquor license and generate revenue there. It provides for a code of fairness that the Liquor Commission will have to use in terms of listing and delisting on an equal basis in terms of discounts that would be allowed and that the records therefore, would be public records so that people could have an opportunity to see them. So I would urge you to support the committee's report. We expect this will go to a Committee of Conference quite frankly, and that there will probably be some

more give-and-take there. But we would urge you to adopt the floor amendment and the committee's recommendation.

SENATOR DISNARD: Senator Russman, does this do anything to stop or penalize, or not allow bag carriers or whatever they are called in the grocery stores that carry cases of beer to the car?

SENATOR RUSSMAN: Not that I know of. I don't think it does anything like that. The other thing that I want to point out that is important in here, this does allow a unlimited number of amusement machines and it also has a new item that creates a registration fee of \$100 for those. Up until now, the law has been that a place could have 3 and we decided that we would allow as many as they wanted, but we thought that there were an awful lot of them in the state of New Hampshire at \$100 a registration that we could use the income from that. My understanding is that the towns and the cities are doing that now and I believe that most of them are charging about \$25 if I am not mistaken, per machine. So they're a big money maker and the people that want the machines want the machines enough to pay the \$100 registration fee, I am told.

SENATOR HEATH: Did you say paved racetracks?

SENATOR RUSSMAN: Yes. Let me just explain the background of that. This originally as it came before us came that the racetrack had to be, I think it was it had to be at least 1/2 mile long and had to seat 20,000 people. That meant that one racetrack in the state of New Hampshire. We thought that was somewhat unfair, so we struck off everything after any paved road course. So that if a smaller speedway wanted to allow the sale of alcohol on the premises, they could apply, pay their fee, which I believe has been lowered from \$3,000 down to \$1,700 provided that they met other Liquor Commission rules, they would be allowed to sell alcoholic beverages and hopefully increase revenue and sell more profits.

SENATOR HEATH: I couldn't make the relationship between pavement and drinking at the tracks.

SENATOR SHAHEEN: Senator Russman, in the amendment that is printed in the calendar, it talks about the Liquor Commission adopting a code of fairness and listing and pricing.

SENATOR RUSSMAN: Yes.

SENATOR SHAHEEN: Is there a deadline for which, during for which they need to do this?

SENATOR RUSSMAN: Well, I would assume that they would have to go through rulemaking and have public hearings on that, relative to what was involved. They, hopefully, they will do that and the idea is, hopefully, the information will be public. The problem is right

now, that unless you sell, unless you make a certain gross profit on an item, it will be delisted and you have to make a certain gross profit in order to get it listed. Now keeping that in mind, the problem arises that it's up to the Liquor Commissioner to tell you if you have or you haven't. You can't look at their records right now. So, I think in fairness to the people that are out there, if it can't withstand the light of day, then there is something wrong. So that is why that is in there. The answer to your question is, I would hope that they would move expeditiously on that. The bill takes effect upon passage at this point and maybe that is something that can be addressed in the Committee of Conference situation if you would like to see that done in a rapid manner.

SENATOR SHAHEEN: It seems to me that we ought to give them some time limit within which they need to have completed this process. So that it doesn't get lost in day to day operations.

SENATOR RUSSMAN: Well, you are right. There was some question about whether or not there was a priority interest. These are the records and there might be language added eventually that would give them 30 days after. Certain acts that took place that they would be available so that the information was needed to be secret for whatever reason, because of strategy or what have you that that would be protected.

SENATOR BASS: Senator Russman, I was just looking at this amendment and the last sentence on the last line. It says failure to hold a vote and so on, shall be punishable by termination of the commissioner's employment. Does that mean that if there, a primary resource is not available and they don't vote or give an explanation, all the Commissioners are fired?

SENATOR RUSSMAN: It could happen. But the problem is right now the law says, not that they may vote. It says "that they shall vote". That doesn't always happen, okay. It can be if they choose to do so, they do so, and if they choose to give an explanation they would do so. We are saying to them, look, the law says that and you have to do it, and if you don't follow the law, there ought to be some penalty. So all we are doing is saying do what you're supposed to do under the law and the way that it is written and there will be no difficulty.

SENATOR ROBERGE: The committee did a good job, but they did not go quite far enough. There are two very honest parts still in the amendment as you will see in your calendar. I would like to point them out, and they should be amended further. The bill needs further amendment. I would like to address the code of fairness first. It

should more properly be called the code for special interest. This is protectionism at its worst. Certain brokers have inherent products representation conflicts which highlights their need to prevent the Commission promotion sales. Sales are generally geared particularly to promote the inducements to attract cross-border and tourist sales. Such sales might in some cases focus manufactures attention to inherit conflict when and where it exists, causing discomfort to the involved broker. This section places the responsibility for any and all marketing and or merchandising responsibilities with the brokers or representatives if they choose to offer sales inducement to the exclusion of the Liquor Commission. Brokers have now governed the pricing by fixing sales markups or discounts to be offered by the Commission. It forbids commission sponsored sales promotions designed to attract cross-borders sales and multiple sales to tourists. This directly affects and impacts approximately \$114,000,000 or 60 percent worth a total annual sales and contradicts the commission's statutory charge to maximize revenue. New Hampshire would no longer be a controlled state, but rather a broker state. The retail operation must be the commission as retailers who necessarily determine ever changing retailing and merchandising strategies to benefit both the consumer and state revenues, not the broker or manufacturer. Those strategies are designed to increase the gross products of the state as a retailer. If successful, the manufacturer of broker succeeds as well. This code amendment would benefit the broker only at the expense or increased sales and revenues to the state. It allows a broker to mediate internal brand representation conflict problems as they may have, again at the state's expense. Very bad when we are trying to maximize and gain additional revenue. The other issue that I would like to address is the grievances. Mandates, all records of the industry be made available upon request. Including the commission's marketing strategies and placing activities. All of this information is very priority in nature and it is private in that regard. It should not be made public. Does Macy's tell Gimbel's what it does? Release of the industries proprietary information is not condoned in private enterprise and such a law will often preclude promotions, post ops etc. Granted currently by manufacturers and or brokers and sales representatives to the state. Even the state right to know law and numerous court decisions recognized proprietary interest and strides to protect and strengthen sales. Release of the commissions marketing and promotions strategies gives the advantage to out-of-state competition to match or undercut our promotion efforts. Ultimately, jeopardizing New Hampshire's out-of-state sales or approximately, again, \$114,000,000 annually. Brokers who sell in the three adjoining states, however, sell here and there as well. So they benefit either

way. The state is the only loser in this regard. Interesting to know, is that the Constitutional separation of powers appears to be tested in this amendment. If the commission should somehow interpret the rule differently, this may be interpreted by the legislative committee then this constitutes just cause for dismissal of the commission. By who? And for what? This gives intimidation powers to brokers over the commission, thereby jeopardizing the commission's livelihood if they don't yield to the brokers demands. I think that we should further amend this bill.

SENATOR MCLANE: Senator Roberge, my first question was about the statement in that quite familiar letter that this bill would not allow sales of liquor or sales on various products, and I wish that you would find for me in the bill before you, where that section is that says that it would not allow sales?

SENATOR ROBERGE: Well, I can't do it right now. I will give her the answer later, I can't look it up right now.

SENATOR MCLANE: One more question. As I say, this familiar line of thinking, and the familiar speech, I believe which came from Commissioner Acorace, had one bit of misinformation that I thought that we had corrected the other day. That was about Macy's and Gimbel's. It is my impression that one, Gimbel's has gone out of business, secondly, the question was is a monopoly not very different from a competition between two stores?

SENATOR ROBERGE: I believe that we are in competition with other states.

SENATOR COLANTUONO: Senator Russman, the issue of the residency requirement. The House had put in the original bill to take out the residency requirement. As I understand it, as addressed in this bill by removing that provision. So we are going to continue to have a residency . . .

SENATOR RUSSMAN: Right, in return for taking out the franchise end of it and that was the understanding of the parties involved.

SENATOR COLANTUONO: Can you assure me that the parties involved that have an interest in this bill, are now in agreement with that change?

SENATOR RUSSMAN: That is my understanding. Each of the parties involved with that have accepted that as a compromise, and that is their position. The other thing that I would like to point out is on the amendment, it still says 16, I'm going to ask on the record for enrolled bills to make that 18 to the person who carries the liquor. So

on the first page of the amendment you will see where it says on line 3, an on-sale licensee may employ any person not less than 16 years of age to serve, it should be 18. That was part of the purpose of this floor amendment. So if the enrolled bills, I think that they can pick that out and correct that. I would appreciate that.

SENATOR DISNARD: Senator, when you say all parties, does that mean the Liquor Commissioner also is involved in agreement?

SENATOR RUSSMAN: I don't think that they were particularly concerned about that agreement. This was in terms with the people like from Seagrams, the people that are lobbyists that Pierce represents, the people that, the beverage people and all the different parties involved.

SENATOR DISNARD: Does this take any authority or administration away from the Liquor Commissioner? The legislature if this passes once again entering a department?

SENATOR RUSSMAN: Well, I mean, it depends on how you look at it. Let me give you an example if I may. Right now, they can mark up everything, so they marked up everything equally. They can discount whatever they choose, however they choose and the public can't know how much or why. It is not public information. If somebody else that may be a politician or a political figure says, I want you to favor this group or that group, that can be done very easily. Because none of the records can be looked at by the public. So we are saying just be accountable for what you are doing. Let the public see. Even if it's 30 days after, and let the public see what you are up to. And so that is the gist of it. To try to make the commission more accountable as an agency in terms of how they run their business.

SENATOR DISNARD: Did the Commissioner object to the change in the broker?

SENATOR RUSSMAN: Not to my knowledge. Their thing, at least as of yesterday, was their big thing was this code of fairness. They didn't like it. They didn't like the grievance procedure set forth in it.

SENATOR DISNARD: Thank you.

SENATOR RUSSMAN: I think that I've covered what I needed to cover.

SENATOR ROBERGE: I just wanted to make it, you know, extremely clear that I am speaking on behalf of the Commission. The two things, the code of fairness and the grievances aren't very onerous to the New Hampshire Liquor Commission.

Amendment to HB 390

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Billboard; Definition. Amend RSA 175:1 by inserting after paragraph XI the following new paragraph:

XI-a. "Billboard" means a large, flat surface, panel, wall, or fence outside on which advertising is posted, written or carried, or specifically authorized signs where the lettering advertising beverages or liquor exceeds 10 inches in height and is visible to the general or non-paying public.

2 New Paragraph; Common Carrier; Definition. Amend RSA 175:1 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Common carrier" means a person who, for a fee, provides public transportation of goods or persons and who is licensed by the Interstate Commerce Commission or the New Hampshire department of safety.

3 New Paragraph; Happy Hour; Definition. Amend RSA 175:1 by inserting after paragraph XXXVI the following new paragraph:

XXXVI-a. "Happy hour" means any specific or special time period, advertised or not, which is promoted by a licensee and during which beverages are or liquor is sold at discounted or reduced prices to individuals or groups. Happy hour shall include, but not be limited to, so called "ladies' or men's nights." Champagne brunches and similar package offerings, however, shall not be included.

4 Reference Inserted. Amend RSA 175:1, XLIII to read as follows:

XLIII. "Liquor and wine import warehouser" means a person holding a liquor or wine vendor's license or both as issued by the commission, who maintains a warehouse for product storage, and the appropriate records of his business operations. An importer shall sell liquor and wine only to the commission [or], to out-of-state entities, **or as provided by RSA 178:5, II.**

5 New Paragraph; Public Building; Definition. Amend RSA 175:1 by inserting after paragraph LV the following new paragraph:

LV-a. "Public building" means any building maintained and available for any person, group, or organization, which may include retail business establishments, when they are not open to the public; licensed premises, provided there is a physical immovable barrier between the licensed business and the rented area; and tents, gazebos, or other defined outdoor areas, provided 2 separate toilet facilities are located in the immediate vicinity. A public building shall not be construed to mean a private residence.

6 Motor Vehicle Racetracks. Amend RSA 175:1, LVI to read as follows:

LVI. "Racetrack" means a facility which is licensed by the state's pari-mutuel commission, for pari-mutuel betting purposes **or a commercial motor vehicle racetrack facility with a paved course.**

7 Changing Obsolete Reference to Public Utilities Commission. Amend RSA 175:1, LXV to read as follows:

LXV. "Vessel" means a boat, ship or vessel approved by the U.S. Coast Guard or [public utilities commission] **department of safety**, whichever shall apply, for hire, operating out of any port of the state.

8 Transportation of Liquor. Amend RSA 175:6 to read as follows:

175:6 Transportation of Liquor. No person shall transport liquor in this state in a greater quantity than 3 quarts, unless said liquor was purchased from a state store or from a holder of a combination or retail wine license in accordance with RSA 178:16 and RSA 178:17 or from a winery holding a limited winery special sales license in accordance with RSA 178:6. Provided, however, that the commission in its discretion may grant to an individual, upon application, a license to transport for a specific journey liquor not purchased at a state store for his own personal use, in a quantity not to exceed 3 gallons. Quantities exceeding 3 gallons may be transferred with a license issued by the commission providing a fee of 25 percent of the entire value of the product is paid to the commission. **It shall be lawful for import warehousemen and liquor and wine representatives, under rules adopted by the commission pursuant to RSA 541-A to transport liquor as provided by RSA 178:5, II.** It shall be lawful for common carriers to transport liquor to state stores, to state warehouses, to licensees under this title, to purchasers of liquor at state stores, and from manufacturers to state warehouses, state stores, and to the state line for transportation outside the state; for licensees under this title to transport liquor from state stores to their place of business; and for manufacturers to transport within the state to state warehouses and state stores and to the state line for transportation outside the state.

9 Changing Obsolete Reference to State Personnel Commission. Amend RSA 176:7 to read as follows:

176:7 Assistants. The state liquor commission may employ such assistants as are, in its opinion, necessary for the proper transaction of its business, and fix their compensation, subject to the [regulations] **rules** of the [state] **director of personnel** [commission]. It may secure any necessary technical or professional assistance.

10 Changing Obsolete Reference to Department of Personnel. Amend RSA 176:8, I to read as follows:

I. There shall be a chief of licensing and enforcement who shall report to the commission. He shall have such labor grade as may be determined by the [department] **division** of personnel. He shall supervise the day-to-day activities of the commission's enforcement and licensing functions. The chief shall handle all license applications. The chief shall make recommendations, in writing, to the commission, on whether to grant the license application. The commission shall then either grant or deny the request, stating their reasons in writing. An aggrieved applicant may appeal the commission's decision to the commission as a whole. Revocations and suspensions of licenses shall follow the same procedure.

11 Changing Obsolete Reference to Department of Personnel. Amend RSA 176:9, I to read as follows:

I. The commission may, subject to rules adopted by the [department] **director** of personnel, employ and dismiss liquor investigators. Liquor investigators shall, under the direction of the commission, investigate any or all matters arising under this title.

12 Changing an Obsolete Cross Reference. Amend RSA 176:10 to read as follows:

176:10 Preference Given. Any person who served for not less than 90 days in the armed forces of the United States during "any war in which the United States was engaged, and received an honorable discharge from such service," shall be given preference in appointment under the provisions of RSA 176:7, RSA 176:9, RSA 177:4, and RSA 179:59, if qualified [therefor and if registered in accordance with the provisions of RSA 283:7] **for such positions**.

13 Changing Obsolete Reference to State Purchasing Agent. Amend RSA 176:11 to read as follows:

176:11 Commission to Sell. It shall be the duty of the commission to buy and have in its possession liquor for sale in the manner provided in this title. Such liquors shall be free from adulteration and misbranding within the meaning of the provisions of RSA 146. All liquors sold for medicinal use shall conform to the standards and tests for such liquors as laid down in the United States Pharmacopoeia, official at the time of sale. All purchases of liquor shall be made by the commission directly and not through the [office of the state purchasing agent] **department of administrative services**. The commission shall be subject to all the provisions so far as applicable of RSA 9.

14 New Section; Code of Fairness. Amend RSA 176 by inserting after section 13 the following new section:

176:13-a Code of Fairness.

I. The liquor commission shall adopt a code of fairness in listing, delisting and pricing, which shall be adopted by rule and incorporated fully into the commission's rules under RSA 541-A.

II. The code shall include but not be limited to criteria and standards for all sales or discounts and every item under the code shall be treated equally.

III. If an item qualifies under the code it shall immediately be put out for sale. Mark ups on all items within a category shall be equal. The commission shall not put on sale any item without a corresponding and equal discount from either the vendor or the liquor representative. Discontinued items shall be exempt.

15 New Section; Grievances. Amend RSA 176 by inserting after section 17 the following new section:

176:18 Grievances. All records of the liquor commission pertaining to the industry, except personnel records, shall be made available to the public upon request. If any person feels aggrieved by a decision of the commission, he may appeal to the administrative rules committee for a clarification of the commission's rules. Violations of this section shall serve as just cause for dismissal of the commission.

16 Changing Obsolete Reference to State Purchasing Agent. Amend RSA 176:15 to read as follows:

176:15 Insurance. The commission shall have power to insure the state liquor warehouse or warehouses and contents against fire and sprinkler damage and such insurance shall be purchased through the [director of purchase and property] **department of administrative services** after consultation with the board of approval established by RSA 93-B:2.

17 Changing Obsolete Reference to State Personnel Commission. Amend RSA 177:4 to read as follows:

177:4 Operation of State Stores; Salespersons. The commission may in its discretion operate stores for the sale of liquor in such cities and towns as shall have accepted the provisions hereof as hereinafter provided, and, subject to the [state personnel] rules **of the director of personnel**, and within the limits of available appropriations and funds, may employ salespersons to sell liquor in said stores. Any salesperson employed for any store shall have been a resident of the state for at least 6 months prior to such employment. The salaries of such salespersons shall not be governed by the amount of sales. No salesperson employed to sell liquor under the provisions of this chapter shall sell liquor except such as may be legally obtained under the provisions of this title.

18 Changing Obsolete Reference to State Personnel Commission. Amend RSA 177:5 to read as follows:

177:5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor store located on a main route where traffic is heavy; provided, however, that no state liquor store may be opened for business at any time on January 1,

Easter, Thanksgiving day, whenever appointed, and Christmas day. Although full-time employees shall be given the option of working, no such employee shall be required to work on such days. The commission may employ part-time employees, subject to the rules of the [state personnel commission] **director of personnel**, to staff stores open on Sundays or holidays. Any full-time employee who works on such days shall be paid 1-1/2 times his regular rate of pay for the actual number of hours worked.

19 Reference Added. Amend RSA 177:6 to read as follows:

177:6 Liquor Dispensed Only Through Commission. Except as provided in RSA 178:5, **II** and RSA 178:6, **II**, no liquor shall be sold in any state store, nor by any sales agent, nor by any person holding an on-sale or off-sale retail license under RSA 178, except that obtained from the commission.

20 Liquor Vendor License. Amend RSA 178:4 to read as follows:

178:4 Liquor Vendor License. Except as provided in RSA 178:6, **II**, any person desiring to sell liquor, other than table wine, shall register to do business with the commission, designate a licensed liquor representative, and obtain a liquor vendor license. A liquor company shall be defined for the purpose of this section as [a firm] **an individual**, partnership, or corporation. The vendor's license shall expire annually on the last day of the month of the incorporation or other organization of the liquor company and shall be renewed annually by the commission, upon application, unless the commission finds, after notice and hearing, that the renewal of such license would be against the public interest.

21 Grammatical Correction. Amend the section heading of RSA 178:6 to read as follows:

178:6 Wine [Manufacturer's] **Manufacturer** License.

22 Designating Representative. Amend RSA 178:7 to read as follows:

178:7 Table Wine Vendor License. Except as provided in RSA 178:6, **II**, no table wine shall be sold in this state except to the state liquor commission unless the manufacturer thereof holds a valid wine vendor license pursuant to the provisions of this chapter. Such wine vendor license shall be issued by the commission upon application for such license and payment of the required fee unless the commission finds the issuance of such a license is not consistent with the purposes of this title; provided, that the license shall not be granted unless and until such manufacturer shall have made a written agreement with the commission to comply with the rules adopted by the commission. **Each table wine vendor licensed shall designate a licensed liquor and wine representative for its product.** If a manu-

facturer fails to comply with said agreement or fails to comply with any law or rule, the commission may in its discretion suspend or revoke such license.

23 New Paragraphs; Beverage Manufacturer License. Amend RSA 178:10 by inserting after paragraph IV the following new paragraphs:

V. A manufacturer producing not more than 4,000 barrels of beverages within the state per year may sell beverages manufactured on his licensed premises directly to retail licensees subject to the provisions of RSA 178:30. The manufacturer of beverages producing not more than 4,000 barrels of beverages within this state per year may not sell to wholesale distributors without obtaining a beverage vendor license as required by RSA 178:12. Eighty-five percent of the beverages produced by such manufacturers in this state shall be sold within the state of New Hampshire.

VI. No person shall have through stock ownership, interlocking directors, or otherwise, an interest or control, either direct or indirect, in the business of the holder of a beverage manufacturer license unless he has been a resident of the state for at least 3 consecutive years immediately prior thereto. The provisions of this paragraph shall not apply to the renewal of beverage manufacturer permits which were in existence on March 1, 1991, nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession or, in the case of a will, those who acquired their interest under a will provided that such legatees are also heirs-at-law or spouse of the deceased.

24 Purchases by Retail Licensees. Amend RSA 178:13, IV to read as follows:

IV. The holder of a wholesale distributor license may hold one on-sale license with respect to the premises designated in such wholesale distributor license. The holder of a beverage manufacturer license shall not sell beverages to other licensees by virtue of such license unless he is also the holder of a beverage vendor license in this state. Retail licensees shall purchase only from holders of a wholesale distributor license **or directly from holders of a beverage manufacturer license producing not more than 4,000 barrels of beverages in this state per year as allowed under RSA 178:10.**

25 Change in Definition. Amend RSA 178:20, V(e)(3)(B) to read as follows:

(B) "Public building" means any building maintained and available for any person, group or organization, which may include retail business establishments, when they are not open to the public; licensed premises, provided there is a physical, unmovable barrier between the license business and the catered area; and tents, gaze-

bos, or other defined outdoor areas, provided 2 separate toilet facilities are located in the immediate vicinity. A [private] **public** building shall [in no way] **not** be construed to mean a private residence.

26 Cocktail Lounges in Hotel Restaurants. Amend RSA 178:20, V(k) to read as follows:

(k) Hotel. The commission may issue a cocktail lounge license to any hotel holding a hotel full service restaurant license issued under RSA 178:19, II(b)(1) to serve liquor and beverages in any room of a hotel designated by the commission. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the lounge may operate [one hour] **2 hours** before the dining room opens for the evening meal. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant of the hotel after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. [The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the cocktail lounge area.] The commission may grant, regulate, suspend or revoke a cocktail lounge license without affecting any other license granted to a hotel.

27 Cocktail Lounges in Full Service Restaurants. Amend RSA 178:20, V(q) to read as follows:

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:19, II(a)(1), to serve liquor and beverages in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate [one hour] **2 hours** before the dining room opens for the evening meals. Liquor and beverages served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. [The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the capacity of the lounge area.] Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such

restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least \$100,000 shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

28 Age of License Applicant. Amend RSA 178:24, VIII(c) to read as follows:

(c) The applicant, and any principal controlling owners, directors or officers disclosed pursuant to paragraphs VI and VII of this section, are at least [18] 21 years of age and of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

29 Discounts. Amend RSA 178:26, I to read as follows:

I. When fixing the price for sale of liquor and wine to on-sale licensees, the commission may allow discounts of not more than 10 percent from the regular retail price on case lot orders F.O.B. the warehouse **or commission direct delivery system.**

30 Adding Military Clubs and Special Licenses. Amend RSA 178:27, I to read as follows:

I. On-sale licensees shall pay the following applicable fees annually:

	Supplemental Only	Beverages and Wine	Beverages and Liquor	Cocktail Lounge
Airport				\$1,200
Alpine Slide				1,200
Ballroom	\$45			1,200
Bed and Breakfast			\$480	\$840
Bowling Facility				1,200
Catering (all)				1,200
Catering (off-site only)				840
Club Military				100
Club Social	18 events - 450 36 events - 750 52 events - 1,200	1,200		
Club Veterans	18 events - 450 36 events - 750 52 events - 1,200	840		
College Club				1,200

Convention Center				2,400
Dining Car	480	840		
Fairs		112		
Golf Facility		1,200		
Hotel			840	1,200
One Day License	100			
Performing Arts				336
Race Track			[3,000]	1,700
Racquet Sports				1,200
Rail Cars				1,200
Restaurant		480	840	1,200
Ski Facility				1,200
Special License			25	
Vessel		480	840	1,200

31 Beverage Vendor License. Amend RSA 178:27, III(b) to read as follows:

(b) Beverage vendor license \$1,920, **for each manufacturer whose beverages are sold or offered for sale.**

32 Seasonal and Fair Licenses. Amend RSA 178:27, VII to read as follows:

VII. A license, other than a [supplemental] **special seasonal, fair**, or one day license, shall expire on the last day of the month of the licensee's birthday. When the licensee is not a natural person, all licenses, other than [supplemental] **special seasonal, fair**, supplemental or one day licenses, issued pursuant to this chapter shall expire on the last day of the month in which such licensee was incorporated or otherwise organized. Any license may be revoked prior to its expiration date by the commission for cause.

33 Additional Fees Applicable to Wholesale Distributor Licensees; Changing Obsolete Reference to Commissioner of Public Works and Highways. Amend RSA 178:28 to read as follows:

178:28 Additional Fees.

I. In addition to the fees provided for in RSA 178:27 the following fees shall be required for licenses issued to wholesale distributors: for each wholesale distributor license \$.30 for every gallon of beverages sold for resale by the licensee during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such fees shall revert to \$.18 per gallon as of the effective date of such legislation. For the purpose of computing the fee payable under this section all sales at retail by a wholesale distributor licensee [holding an off-sale license] shall be deemed to be sales for resale. Any wholesale distributor licensee shall collect, from on-sale and off-sale licensees to

whom he makes sales of beverages, the fees required under this section. For failure to pay any part of the fees provided for under this section when due, 10 percent of such fees shall be added and collected by the commission from the wholesale distributor.

II. A sum of money from all sources of funds available to the [commissioner of public works and highways] **department of transportation** equivalent to 1/15 of all fees collected under paragraph I If this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such amount shall cease to be so dedicated as of the effective date of such legislation.

34 Changing Obsolete Reference to Commissioner of Public Works and Highways. Amend RSA 178:30, II To read as follows:

II. A sum of money from all sources of funds available to the [commissioner of public works and highways] **department of transportation** equivalent to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, said amount shall cease to be so dedicated as of the effective date of said legislation.

35 Wine Manufacturer's, Liquor and Wine Representative's, Liquor and Wine Salesperson's, and Liquor or Wine Vendor's Interests Prohibited. Amend the section heading of RSA 179:12 to read as follows:

179:12 Wine Manufacturer's, **Liquor and Wine Representative's, Liquor and Wine Salesperson's**, and **Liquor or Wine Vendor's Interests Prohibited**.

36 Certain Prohibited Interests. Amend RSA 179:12, I to read as follows:

I. No holder of a wine manufacturer license, **liquor and wine representative, liquor and wine salesperson, or table wine vendor**, and no officer, director, stockholder, employee or agent of the holder of a wine manufacturer license, **liquor and wine representative, liquor and wine salesperson, or liquor or wine vendor** shall through interlocking stock ownership, interlocking directorship, or otherwise, have an interest, either direct or indirect, in the business of the holder of a retailer license.

37 Adding Beverage Manufacturers. Amend RSA 179:13, I to read as follows:

179:13 Limited Credits.

I. Each holder of a wholesale distributor **or beverage manufacturer** license shall report to the commission the name and license number of any on-sale or off-sale licensee who is delinquent in mak-

ing payment of accounts within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-sale or off-sale licensee. Each holder of a beverage vendor license or beverage vendor importer license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

38 Adding Beverage Manufacturers. Amend RSA 179:13, III and IV to read as follows:

III. The commission shall inform holders of **beverage manufacturer licenses**, beverage vendor licenses, beverage vendor importer licenses, and wholesale distributor licenses of the names of licensees delinquent under the provisions of this section and no holder of a **beverage manufacturer license**, beverage vendor license, beverage vendor importer license, wholesale distributor license or beverage representative license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

IV. The sum of \$150 shall be added to the fees provided under RSA 178:27 and collected by the commission for each failure of a holder of a **beverage manufacturer license**, beverage vendor license, beverage vendor importer license, wholesale distributor license, or beverage representative license to comply with the provisions of this section. Determinations of a failure to comply with this section shall be made by the commission.

V. Each wholesale distributor shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of account. Notification shall be delivered in writing to the licensee by a representative of the wholesaler. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 178:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for non-payment

of accounts which are delinquent more than 15 days from the date of the wholesaler distributor's notification, providing the requirements of this section have been met.

39 Reports. Amend RSA 179:14 to read as follows:

179:14 Reports. Each **beverage manufacturer licensee**, beverage vendor licensee, beverage vendor importer licensee and wholesale distributor of beverages within the state shall, on or before the tenth day of each month, furnish to the commission, on a form prescribed, a statement under penalty of perjury showing the quantity of beverages sold for resale and the quantity of beverages sold under an off-sale license during the preceding calendar month, within the state.

40 Games and Amusements. Amend RSA 179:19, VI to read as follows:

VI. On-sale licensees may install [up to 3 coin-operated] amusement machines on their premises [at any one time]. Such machines may not be placed within the confines of a dining room of a full service restaurant. [Non-coin-operated games, such as backgammon, chess, and checkers, may be used without restriction in areas other than dining rooms of full service restaurants. A restaurant licensee with a dining room seating in excess of 250 persons may petition the commission in writing for permission to exceed the 3 machine limitation.]

41 New Paragraph; Registration Fee. Amend RSA 179:19 by inserting after paragraph VI the following new paragraph:

VI-a. Every on-sale licensee shall pay a registration fee of \$100 per year per amusement machine on their premises. The department of revenue administration shall provide the licensee with an annual sticker to be affixed to the machine for which the registration is paid. Such registration fee shall be collected by the department of revenue administration for deposit in the general fund, however, the commission shall maintain records concerning the number of amusement machines on the licensee's premises. The commission shall cooperate fully with the department of revenue administration by making its records readily accessible to the department.

42 Employment of Minors. Amend RSA 179:23, II to read as follows:

II. A bartender [, waiter, or waitress] in a **dining room** cocktail lounge, or function room shall be at least 18 years of age. **A waiter or waitress in a dining room cocktail lounge or function room shall be at least 16 years of age.** An on-sale licensee may employ any person not less than 16 years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, or hostess in the dining rooms. [Nothing in this section shall prohibit a waitress, waiter, or hostess from entering the lounge to fill orders of customers while so employed.] Minors not less than [15] **16** years of

age may be employed in dining areas and lounge areas to clean tables, remove empty containers and glasses and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

43 Restrictions on Internally Illuminated Signs. RSA 179:25, VI is repealed and reenacted to read as follows:

VI. No advertising of liquor or beverages sold in this state shall be allowed through the use of internally illuminated signs inside or outside a public premise. The commission may, in writing, make exceptions to this paragraph.

44 Uses of Certain Advertising. Amend RSA 179:29, I to read as follows:

I. An industry member may furnish, give, rent, loan, or sell retailer advertising specialties to a retailer if such items bear advertising material and are primarily valuable to the retailer as a means of advertising. These items may include, but are not limited to: coasters, mats, menu cards, wine lists, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks [and], calendars, **ceramic ware, glassware, and tee shirts.** [No advertising of liquor or beverages shall be allowed through the use of either electric or directly or indirectly illuminated signs, inside or outside the licensed premises.] The name or name and address of the retailer may be added to the advertising specialty.

45 Beverage Containers. Amend RSA 179:39, I to read as follows:

I. Beverages shall be sold by on-sale licensees by the glass, pitcher, bottle, can, original container or any other suitable container approved by the commission. Not more than a total of 20 ounces shall be served to any one person at any time. Caps shall be removed before service. [Beverage shall not be sold in pitchers with a capacity in excess of 40 ounces.]

46 Listing Retail Prices. Amend RSA 179:31, V to read as follows:

V. The listing of retail prices [by, for or in] **on** behalf of retail licensees, [except for wine by off-premise licensees] **by a holder of a wholesale distributor license**, is prohibited in all newspaper, magazine, periodical, radio or television advertising. **However, any other licensees may advertise using newspapers, magazines, periodicals, radio or television.**

47 Gifts of Beverage or Liquor. Amend RSA 179:41, I and II to read as follows:

I. No off-sale licensee shall give away any beverage [and], **liquor, or wine** with the purchase of merchandise or food or as payment in any business enterprise.

II. No licensee shall [change] **exchange** any coupon, ticket or check for beverages or liquor directly or indirectly in connection with any admission price or fee.

48 Specifying Types of Brewers and Importers. Amend RSA 180:9 to read as follows:

180:9 Exclusive Wholesale Distributor Territorial Agreements. It shall be unlawful for a wholesale distributor to sell any brand of beverage in this state except in the territory described in a distribution agreement authorizing sale by the wholesale distributor of that brand or label within a designated area, and within that designated area the wholesale distributor shall service all dealer and retailer licensees without discrimination. The distribution agreement shall be in writing and shall specify the brand or label it covers. When a beverage vendor or beverage vendor importer sells several brands, the agreement need not apply to all brands sold by the beverage vendor or beverage vendor importer and may apply only to one brand. No [brewer, importer] **beverage manufacturer, beverage vendor, beverage vendor importer** or other supplier shall provide by the written distribution agreement for the distribution of a brand or label to more than one distributor for all or any part of the designated territory.

49 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Adds definitions of "billboard," "common carrier," and "happy hour" and makes some technical changes to the liquor laws.

II. Adds military clubs and special licenses to the liquor license fee schedule and clarifies the applicability of some licenses.

III. Prohibits any minor under the age of 18 from working as a bartender for a dining room and minors under the age of 16 from certain tasks in dining room and lounges.

IV. Requires that any applicant for a license and any principal controlling owners, directors or officers of a licensed establishment be at least 21 years of age.

V. Allows certain beverage manufacturers to sell beverages manufactured on his premises directly to retail licensees.

VI. Allows full service restaurants and hotel restaurants to open their lounges 2 hours before the dining room opens.

VII. Removes restrictions on the number of amusement machines an on-sale licensee may install on his premises.

VIII. Corrects obsolete references.

IX. Imposes a \$100 registration fee per year per amusement machine as an on-sale licensee's premises.

Amendment Adopted.

SENATOR RUSSMAN: Yes, floor amendment 3128L, I would ask adoption with the correction of the 16 to make it 18 years of age.

Senator Russman offered a floor amendment.

Floor Amendment to HB 390

Amend RSA 179:23, II as inserted by section 42 of the bill by replacing it with the following:

42 Employment of Minors. Amend RSA 179:23, II to read as follows:

II. A bartender, waiter, or waitress in a **dining room** cocktail lounge, or function room shall be at least 18 years of age. An on-sale licensee may employ any person not less than 16 years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, or hostess in the dining rooms. [Nothing in this section shall prohibit a waitress, waiter, or hostess from entering the lounge to fill orders of customers while so employed.] Minors not less than [15] 16 years of age may be employed in dining areas and lounge areas to clean tables, remove empty containers and glasses and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

Amend the bill by inserting after section 48 the following new section and renumbering the original section 49 to read as 50.

49 Purchases from Primary Sources. Amend RSA 176:17 to read as follows:

176:17 Purchases by the Liquor Commission. The liquor commission shall purchase all liquor, wine, and beverages from primary sources. For the purposes of this title, primary source means the manufacturer or producer, whether or not it is within the state. If a primary source is not available, the commission shall vote at its regular meeting to allow an exemption and shall explain why such exemption has been allowed. **Failure to hold such a vote or to provide the required explanation shall constitute an omission of duty and shall be punishable by termination of the commission's employment.**

Floor Amendment Adopted.

Ordered To Third Reading.

HB 592-FN-A, an act relative to court fees. Ways & Means committee. Inexpedient To Legislate. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The committee on Ways and Means moved Inexpedient to Legislate on 592. Our reasoning for this is that we believe that the court fees traditionally have been set by the courts and that appropriately is the place for them to be set. We saw no pressing testimony to change it, and no reason why we should do otherwise.

Committee Report Adopted.

HB 649-FN, an act relative to the cigarette tax. Ways & Means committee. Inexpedient To Legislate. Senator McLane for the committee.

SENATOR MCLANE: I couldn't figure out whether you were flashing me the number of the bill or telling me how many minutes I can speak. I will be very brief. This bill has been controversial in that the Board of Grocers say they feel they can make so much more money by putting the tax down and selling more cigarettes than if the tax remains where it is now. It was our considered opinion that if we are looking to maximize revenues, that we did not believe they were going to sell 14 percent more cigarettes by lowering the price. For one reason we didn't believe that that difference of 4¢ would make that much difference. For secondly, we didn't believe that they really would go down that much. We looked at the history of the price of packs of cigarettes. I can remember when cigarettes were 39 cents a pack. They're a heck of a lot more than that now. We didn't feel that the 4 cents was going to make that much difference. So in the interest of maximizing revenue, we have left it the way it is.

SUBSTITUTE MOTION

Senator Heath moved to Substitute Ought To Pass for Inexpedient To Legislate.

SENATOR HEATH: I have in my hand, the Senate Journal for May 2, 1989. And I bring this out because when I chaired Senate Ways and Means, and when I worked on House Ways and Means for 4 years, we learned repeatedly, that the cigarette tax is a fine tuned tax. That is, very little changes have very big impacts on sales. That's because we are surrounded by states and other countries and when we undersell those other states and Canada, we stand to benefit from increased sales. Now this is not rocket science. We learned long ago in the retail business that a few pennies on a can of vegetables brings in more sales and you make some nice profits. I stood on May 2 before this body and said "I think that you are actually endangering your revenue source rather than adding to it, and I said that I didn't expect to win, but I expected us to be back here addressing the problems that are created by this legislation in the future". Probably the near future. Well, I was exactly right in that case, and I am telling you, I told you so, and I avoided telling you that for awhile. This is a study; I have a copy for anybody who wants to read it. It is called the Tax Incentives and Economic Consequences Across Border Activity. It spells out clearly that through studies, comparing Massachusetts and New Hampshire, in comparing Indiana and Illi-

nois that there is the great business incentive on products that are price sensitive like tobacco and beer. We have had a reputation that we have now lost. We had a reputation that even for grocery stores inland, people who have been vacationing in the Lakes Region would go back with several cases of beer and several cartons of cigarettes for themselves and their friends. They don't do that anywhere as near as the way they use to. If you want to maximize this tax, then you should lower and compete heavily with those other states. When you do that, you bring people in to shop and they buy other non-taxed items that end up in Business Profits Tax and Rooms and Meals Tax and some of the other revenues. If you're going to raise taxes for the purpose of raising revenues, this one you can lower. Have a good feeling about lowering a tax and raising a revenue. If you want to discourage an activity Senator McLane has already spelled that out. Taxes discourage activity. Leaving this up there and not competing readily with our neighbors will discourage our activity. Now we are talking all this session about doing something for businesses. Here is something that you can do for businesses, here's something you can do for revenues, and you can feel that you lowered one tax here today. I would urge you to keep this vehicle alive so that we could lower this tax and increase and maximize the revenues and once again, regain our reputation for selling to our neighbors at a lower price than their heavy-handing governments allow them to buy these products in their own state. And I would urge you to go with an Ought to Pass motion to do that.

SENATOR MCLANE: Senator Heath, if you grocers had a choice, would you take lowering beer or cigarettes? We're giving you one, you think you want both?

SENATOR HEATH: Senator McLane, it isn't a penny to the benefit of the grocer one way or the other, because the tax doesn't go to the grocer, the tax goes to the state of New Hampshire. I think if you want to maximize sales and therefore tax revenues, you lower both, because we have seen through studies through our own experience. Many years ago, we raised ours above Vermont and our per capita sales and our taxes plummeted. We dropped it back down and our revenues went up. Now I am not saying that you can drop it. There is a certain distance you have to go to make the difference for the people across the border, and if you go way beyond that, then you begin to lose revenues and it's not an endless process, it's finely tuned. And this, leaving it alone doesn't finely tune it. You have to drop it, and you have to regain those sales and regain the habit of people crossing the border. They buy cigarettes, they buy beer, and then they get some bread, and some other things. We don't have a general sales tax, and that attracts them to do their shopping

around the borders of this state. If they are vacationing in the interior of the state, they load up before they go home. There is an incentive to stopping at the stores on the way home. If you are looking for money for your AFDC families and all these other programs and interests that you have in helping human beings in this state, this will do it. If you are on a vendetta to hear all of us who enjoy smoking of that habit, I guess tax the hell out of it. But the revenues won't come when you keep the price up. We learned that years ago in the grocery business. Every business that competes knows that you have to be competitive to make the sales. It's not rocket science.

SENATOR MCLANE: Senator Heath, are you going to guarantee to me, that if the grocers win this battle on beer and cigarettes, that they are going to lower the six-pack by 2 cents, and lower a carton or a pack of cigarettes by 4 cents?

SENATOR HEATH: Senator McLane, I can't. First of all, it's not grossers, its grocers. I can't guarantee what any grocer in the state of New Hampshire will do. But I can tell you that they are competitive. They are in a tough competitive retail trade. And when they have the opportunity to lower a price to compete with their neighbor store, whether it's in Massachusetts or Moultonborough, they do it. And that is the way that we do business. And I would say yes, they are probably going to. I mean why would they want something higher than the neighboring source or the business goes to that store. Of course they are going to follow it. This is an underline raise in price. And those are items that are essentially that aren't big profit items. Those are items that you kick around and bring business into your store.

SENATOR SHAHEEN: How much is projected to raise if we leave the cigarette tax as it has been? The second question is, does anyone have any estimates on how much money they think we would raise by lowering the cigarette tax?

SENATOR MCLANE: I would answer by saying that this was the problem for the Ways and Means committee. If you lower cigarettes 4 cents a pack. At the present time the tax is permanent until lowered. With the beer it goes back automatically. So that is why the beer isn't in here. But the issue was if you lower it 4 cents a pack, you have to increase your volume of sales by 14 percent in order to get back to square one. The projections from the Department of Revenue or from the LBA I guess, were that you lost .6 million in the first year, made it up in the second year. And so then what you have to look at is whether you are going to increase that volume enough to get back to where we are presently.

SENATOR HEATH: I wonder if I could have my shot here. There are some other things going on here. You have to change habits. People develop shopping habits. There is a lag between when they find out there is a deal in gas at a particular station and when people start going there. All you have to do is go up on the heights and watch people shop gas. One day the lines are at this station, the next day the lines are at that station, there is a lag. The first year you will get that lag. If you keep competitive, that business will grow, and grow, and grow as the proportion of cigarette sales. Cigarette sales are not expanding, they are declining. So it is a declining source of revenue if we can take it from the other states, we are taking a bigger share of what there is left. The other thing is there is an associated profit to the state, both to the businesses, and I think that is why the grocers support lowering these, not because of what they will make on cigarettes and beer, but what they will do in added volume through the business profits tax. A lot of these people will eat at restaurants occasionally when they are in the state of New Hampshire and you pick it up in Room and Meals. And we don't have an easy, sure way of estimating these revenues. But common sense tells you that when more people come to New Hampshire to shop, they will spend money on other things and then more business means more revenues when we are a state that taxes business.

SENATOR SHAHEEN: But the answer to my question is that nobody has a dollar amount projected that might be raised?

SENATOR HEATH: Any projection is speculation.

SENATOR SHAHEEN: Okay.

SENATOR CURRIER: I rise in support of the substitute motion of Ought to Pass. Marshall Cobleigh a former Speaker of the New Hampshire House, last night referred to the Senate as snow. There are no two flakes that are alike and people laughed then too, but I didn't. That was at the testimonial for Speaker Burns. It does seem kind of contradictory for me to rise in support of the substitute motion of Ought to Pass in light of my position on smokeless tobacco; however, the Retail Grocers Association has printed some information that has indicated that gross cigarettes sales for 1992 would increase by \$19,000,000 and in the fiscal year 1993, would increase by \$22,571,000. I think the point is that when your market is diminishing, in other words the number of smokers is diminishing, you have to increase your geographical base, and one way to do that in our border stores is to reduce this tax so that it is more economical for them to purchase here in New Hampshire. It's the same statement that Senator Heath referred to regarding maximizing your marketing effort. If cigarette smoking is on the decline and there are so

many places that you can't smoke now, that we smokers find it very difficult to find one of them. I think that reducing this would also by whatever the proportion of the margin of profit is in the cigarette, would increase the tax on the grocery stores would be paying on the business profits tax, because obviously, if there is a total of \$19,000,000 in increased sales there is a proportion of that which would be attributed to profits and therefore, they would be paying that in their business profits tax. I would urge the committee to roll back the tax.

SENATOR PRESSLY: I rise in support of the substitute amendment as a person who does represent a border city and a border town. I am well aware that this has been difficult for the grocers, and I am pleased to say, yes, I am happy to give our grocers a break. I think that they deserve it. And I do believe that there will be that possibility of increased revenue through the Business Profits Tax. So I am very, very, happy to rise in support of giving our small grocers the diminished tax on the cigarettes.

SENATOR CURRIER: Senator Pressly, my question is, would you believe that the House Ways and Means committee has indicated that the actual revenues in the state of New Hampshire in the first year of the decline would be \$600,000 less, but in the second year it would be 2.5 million dollars increase in actual tax collected? So for the biennium, it would be whatever 25 minus 6 is?

SENATOR PRESSLY: I do believe that the consumers habits are such that they would be the lag time referenced by Senator Heath, and that it would be good business for the state of New Hampshire, and helpful to our grocers; therefore, I do believe your statement, sir.

SENATOR HUMPHREY: I don't know that it will do any good, Mr. President, to say anything. This Senate seems disposed today to gorge itself at the tax trough, but nonetheless, I will give it a try. The statistics make it pretty darn clear that the tax on cigarettes has reached, at its present level, is sufficiently high to discourage purchases by out-of-staters. So over the last couple of years we have actually lost revenue. Our neighboring states have gained at our expense. So why don't we do what is so clearly in our own best interest, fiscally, and economically and that is to lower this tax by passing this bill. One of the points that doesn't get sufficiently discussed it seems to me, in connection with alcohol, tobacco and Rooms and Meals and things of that kind, are the collateral sales that are involved when people come to our state to buy cigarettes or alcohol. It happens that Senator Heath put on my desk, I suppose other Senators have it, a report of the American Legislative Exchange Council

dated last July, which focuses on a number of States Tax Incentive, and Economic Consequences of Cross Border Activity and it focuses on New Hampshire many others and it says as follows it is brief, I will read it. "The results of our analysis suggest that New Hampshire benefit significantly at the expense of Massachusetts from cross-border sales of cigarettes, wine and distilled spirits. On average during the period 1975 through 1988 it's estimated that 42 percent of New Hampshire's cigarette sales, 42 percent and 29 of wine and distilled, were to Massachusetts residents. The average annual economic benefits of this cross-border activity were 23 million in additional excess tax revenue. Listen to this next one, \$104,000,000 in additional retail sales revenue. It isn't just cigarettes that we are talking about, we are talking about these additional sales which according to this are 5 times the revenue derived by the tax. It goes on to say that while New Hampshire gained from cross-border sales, Massachusetts lost. Let's make Massachusetts lose even more, let's win more for New Hampshire. Let us reduce this counter-productive tax to a more reasonable level by passing this bill.

SENATOR COLANTUONO: Yes, I rise in support of the substitute motion as Vice Chairman of the Ways and Means committee. I would just like to draw some factual matters to the attention of the body. First of all, you talk about cross-border sales. We have to realize that New Hampshire used to have the lowest cigarette tax in the area, and now we don't, Vermont does. However, if we roll it back we will be in the same ball park with Vermont. But Vermont is increasing it's sales tax, Maine is increasing it's sales tax as well as I believe it's cigarette tax. Massachusetts is increasing it's sales tax and Canada just instituted a very onerous sales tax. We had people come to our committee from the border-states in my area, literally begging us to pass this measure that the House already, in it's wisdom, passed. They testified that if we do this, people will come back streaming across the borders, loading up their trunks with cartons and cartons of cigarettes, and cases of beer and everything else. If people are interested, and I don't believe the lag theory. I think that we will immediately have an increase in revenues. If people are interested in increasing revenues to support the budget that we just passed, vote for this bill, please.

SENATOR BLAISDELL: Senator Colantuono, it is my understanding that this was a recommendation of the Governor to raise this tax, I mean to keep it there?

SENATOR COLANTUONO: The Governor wants to keep it up and I disagree with the Governor.

SENATOR BLAISDELL: So you disagree with the Governor?

SENATOR COLANTUONO: Yes. Absolutely.

SENATOR OLESON: I rise in opposition to the motion on the floor. When you talk about border towns, I am bordered on both sides. It's only about 30 miles across Coos county, and the area of where I live, 30 miles from Maine to Vermont. I do not have a crystal ball, but I do speak from past experience. I remember when you could buy a six-pack for \$1. At that time we came up with a bill that put 2 cents on that six-pack and everyone was saying that the poor man wouldn't be able to afford to have his brew whenever he felt like it. But after they passed the 2 pennies lo and behold they put a whole dime on and made it \$1.10 and the sales didn't go down one little bit. I do not have a crystal ball as I said. I do not foresee if the pending motion passes, which will mean 40 cents decrease in taxes on a carton of cigarettes. I do not foresee all the grocers marking down each carton on his shelf 40 cents and I do not foresee anybody from the surrounding states and the Province of Quebec getting that break. It will pay the same old tax. Thank you.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Heath.

Recess.

Out of recess.

The following Senators voted yes: W. King, Heath, Fraser, Currier, Disnard, Blaisdell, Bass, Pressly, Nelson, Colantuono, Podles, Humphrey, J. King, St. Jean, Shaheen.

The following Senators voted no: Oleson, Hough, Dupont, Roberge, McLane, Russman, Delahunty, Hollingworth, Cohen.

Yeas: 15

Nays: 9

Substitute Motion of Ought To Pass is Adopted.

Ordered To Third Reading.

HB 64-FN-A, an act relative to establishing a tax on nuclear station property and making an appropriation therefor. Ways & Means committee. Ought To Pass With Amendment. Senator Russman for the committee.

SENATOR RUSSMAN: What you have before you here is essentially several different revenue measures within one bill. One is involved with Nuclear Station Property Tax, or Power Tax, and we would ask that you support this as well as the other revenue measures in there. I will just speak briefly on the Nuclear Tax and the basis of it is that this is something that we essentially export as you

know to other states and to other users. Testimony was that there is not a good opportunity for the other states to retaliate in kind, because of the way the power grid is set up and the way their plant make up is made. So we don't see that as a particular threat. It generates an incredible amount of revenue given what it is and essentially, at no cost to the state of New Hampshire. Then the other thing that you will see in here, is the Real Estate Transfer Tax was left where it is and the Meals and Rooms Tax which stays at 8 percent, again on a temporary basis and also there would be a temporary surcharge continuing on the Communication Services Tax. Also, importantly, we think that the bill contains a lot of number of incentives under the Business Profits Tax. It gives a Jobs Creation Tax Credit, it gives a research and Development Tax Credit, it gives a Capital Improvements Tax Credit. It clarifies the DRA rule, and a Franchise Tax Credit can be taken in an accounting tax filing. So those are some of the things that we need in the Business Profits Tax area to help the businesses here in New Hampshire. At this point as you know, the committee did not vote to increase or change the Business Profits Tax. That would stay where it is at this time, and hopefully, these are all areas that we have been living under for the past year or so and that we can continue to do so. So the committee would ask that you pass this bill and create the needed revenues. There is about \$100,000,000 here that we are talking about and I think that that is perhaps something that if it needs further clarification, that Senator McLane may be able to lend some help to. I will try to answer whatever questions that you have. Okay, maybe there are none. That is great.

SENATOR BASS: Senator Russman, on page 3 of the amendment, how have you changed the deduction for fair and reasonable compensation. I don't happen to have a copy of RSA 77-A:4,III is there any change, and if so, what is the affect of that?

SENATOR RUSSMAN: Let me see if I can find my amendment, Senator. The calendar amendment is the one that we are dealing with here. This is not the amendment that we are working on now. It's what is in the calendar, that I am talking about.

SENATOR BASS: Could I defer my question?

SENATOR MCLANE: I wanted to speak just particularly to the Business Profits Tax section of this bill, because I think it was an important decision that the Ways and Means committee made. Which was not to go to 9 percent on the BPT. All we have done in this bill is make two important changes to the tax. First of all, is a definition of just compensation, which is really what the Department of Revenue Administration had been doing to this point, which

was to take 10 percent of the profit as just compensation. This now defines that in the law, and so that they can more readily enforce that section. The other thing that we have done at the request of the President of the Senate, is to add a Job Credit to the BPT. It is hoped that that will reward those companies which either come into the state or those companies within the state that add jobs. And so it is for that reason that we have added that section. Although we did make the decision not to go to 9 percent. So what we are talking about here is three taxes that we had already, keeping them at the rate that people are used to paying and adding the section about the BPT. Now there are two other measures that we will be adding, but we are very proud of this package, because what it has allowed the Senate to do is to keep control of the budget. This is our budget, and our plan to fund it. We are proud of what we have done to hold that control, unlike the House which handed it back to the Governor and said you do it daddy. We didn't do that. We did it ourselves. It is bad medicine to swallow, but with it, we get a budget that we can be very proud of.

SENATOR RUSSMAN: Senator McLane, are all these measures in here items that our Chief Executive, the Governor has asked us to do?

SENATOR MCLANE: I am not sure, but I believe you are correct. I believe for that reason that there is not a threat of a veto for this revenue package.

SENATOR HOLLINGWORTH: My question is to the Chair I guess, or anyone who can give me a clear answer. It is my understanding that the amendment that we are working on 64, is not the one that has been handed out as a floor amendment. In fact, this one that is numbered 3116L is not the one we are working from, but we are working from the calendar on page 22 that includes only the taxes on Real Estate Transfer, the Seabrook Tax, the Rooms and Meals Tax, the Encouragement for the BPT, but no increase at the BPT, and a Communications Tax. Those are the taxes that are in this package. Is that correct?

SENATOR MCLANE: You are correct.

SENATOR HOLLINGWORTH: So that if anyone is interested in finding what we are discussing now, they would look to page 22, amendment to HB 64-FN.

SENATOR RUSSMAN: Senator Hollingworth, just procedurally, there is this amendment that is coming and we don't want people to get confused on, because there is going to be an amendment here relative to the State and Legacy Tax and also the Telephone Prop-

erty Tax, and that is important for you to understand that we are not dealing with that at this particular time. Only the material in the yellow calendar, would you believe that?

SENATOR HOLLINGWORTH: Yes, I would.

Recess.

Out of recess.

Amendment to HB 64-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to establishing a tax on nuclear station property
and making an appropriation therefor, relative to the
rates of certain state taxes, and relative to
amending the business profits tax to
encourage economic development.

Amend the bill by replacing section 6 with the following:

6 New Paragraphs; Compensation and Job Creation Tax Credit Defined. Amend RSA 77-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Compensation", for the purposes of RSA 77-A:5, VII, means all wages, salaries, fees, bonuses, commissions, or other items, including the following employee benefits: health, life and disability insurance and pensions, profit sharing and retirement benefits.

XXII. "Job creation tax credit" means the credit allowed against the tax due under this chapter for an amount equal to 25 percent of the compensation, as that term is defined in RSA 77-A:1, XXI, paid during the tax year to all employees of the business organization who are employed in positions which were newly created during that tax year. The newly created employee positions must be directly attributable to the business organization. An employee's position is considered to be directly attributable if:

(a) The employee's service is performed or his base of operations is located at the business organization claiming the tax credit.

(b) The position did not exist prior to the tax year in which the credit is being claimed, and the position remains filled at the time the credit is taken.

(c) The employee's service is performed entirely within this state, or if the service is performed both within and without this state, the service performed without this state is incidental to the service within this state.

7 Factors Used in Apportionment; Apportionment Factors Adjusted. Amend the introductory paragraph of RSA 77-A:3, II(a) to read as follows:

II.(a) [The average of the 3 percentages in paragraph I] **A fraction, the numerator of which shall be the property factor in subparagraph I(a) plus the compensation factor in subparagraph I(b) plus twice the sales factor in subparagraph I(c) and the denominator of which is 4,** shall be applied to the total gross business profits (less foreign dividends) of the business organization to ascertain its gross business profits in this state. If this method of apportionment does not fairly represent the business organization's business activity in this state, the business organization may petition for, or the commission may require, in respect to all or any part of the business organization's business activity, if reasonable:

8 Deduction for Fair and Reasonable Compensation for Proprietors and Partners. RSA 77-A:4, III is repealed and reenacted to read as follows:

III.(a) In the case of a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the personal services of the individual proprietor or partners actually devoting time and effort in the operation of the business organization. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship or partnership only of such amounts as are fairly attributable to the personal services of the proprietor or partner who are natural persons, but not to permit deduction of any amounts as are fairly attributable to a return on business assets or the labor of non-owner employees of the business organization. The burden shall be upon the business organization filing the return to demonstrate the reasonableness of the deduction claimed under this paragraph, by a preponderance of the evidence. In considering the reasonableness of a deduction claimed under this paragraph, the commissioner shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume, and complexity. In addition, the commissioner shall take into account the value to the business organization of the labor of its non-owner employees and the use of the business assets of the business organization and any other factor which may reasonably assist the commissioner in making a determination as to the reasonableness of the claimed deduction.

(b) The amount of any deduction claimed under subparagraph (a) shall not exceed the amount reported as earned income from the activities of the business organization as reflected on the federal income tax returns of the proprietor or partner rendering such per-

sonal services, provided, however, that subject to the requirements of this subparagraph, a minimum deduction of \$3,000 shall be allowed on account of the proprietor or each partner who is a natural person actually devoting time and effort in the operation of the business organization.

9 Total Amount of Credit Allowed. Amend the unnumbered concluding paragraph of RSA 77-A:5 to read as follows:

Provided, that the total amount of any [such] credit allowed **under paragraphs I-V** shall not exceed the tax due under this chapter.

10 New Paragraphs; Credits for Job Creation, Increasing Research Activities, and Capital Expenditures. Amend RSA 77-A:5 by inserting after paragraph VI the following new paragraphs:

VII. In the case of a business organization which is eligible for a job creation tax credit as that term is defined in RSA 77-A:1, XXII, an amount equal to 25 percent of the compensation, as that term is defined in RSA 77-A:1, XXI, paid during the taxable year to individuals employed by the business organization in positions created during the tax year; provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter. The credit allowed under this paragraph may be claimed only in the first full tax year in which the employee position is created, and may be claimed only if the position remains filled at the time the credit is taken.

VIII. In the case of a business organization which is eligible for a tax credit for increasing research activities under section 41 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, an amount equal to the credit taken under section 41 during the prior taxable year; provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter.

IX. In the case of a business organization which is eligible for a tax deduction for capital expenditures under section 179 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, an amount equal to the cost of section 179 property, determined without regard to any dollar limitation under section 179(b); provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter.

X. In the case of a business organization which is eligible for more than one of the credits allowed under paragraphs VII-IX, the total amount of the credits allowed under paragraphs VII-IX for any one business organization shall not exceed 30 percent of the tax due under this chapter.

XI. The credits or any portion thereof allowed in paragraphs I-X to a business organization which is a member of an affiliated group that has filed a consolidated tax return as provided in Internal Reve-

nue Code sections 1501-1505 and regulations thereunder, or combined returns filed on a unitary basis under RSA 77-A, shall be allowed against the tax due with respect to other members of the affiliated group to the extent such credits are not utilized by such business organization.

11 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this act are severable.

12 Rate of Tax for Biennium Ending June 30, 1993, Real Estate Transfer Tax. Notwithstanding the provisions of RSA 78-B:1, I and 1989, 416:4, for the period beginning July 1, 1991, and ending June 30, 1993, the rate of the tax is \$.525 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$21. The tax imposed shall be computed to the nearest whole dollar.

13 Rate of Tax for Biennium Ending June 30, 1993, Meals and Rooms Tax. Notwithstanding the provisions of RSA 78-A, the tax imposed under RSA 78-A:6 shall be imposed as follows for the period beginning July 1, 1991, and ending June 30, 1993:

I. A tax of 8 percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

- (a) Three cents for a charge between \$.36 and \$.37 inclusive;
- (b) Four cents for a charge between \$.38 and \$.50 inclusive;
- (c) Five cents for a charge between \$.51 and \$.62 inclusive;
- (d) Six cents for a charge between \$.63 and \$.75 inclusive;
- (e) Seven cents for a charge between \$.76 and \$.87 inclusive;
- (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;
- (g) Eight percent of the charge for taxable meals over \$1.00,

provided that fractions of cents shall be rounded up to the next whole cent.

14 Rate of Tax for Biennium Ending June 30, 1993, Communications Services Tax. For the period beginning July 1, 1991, and ending June 30, 1993, there is imposed a surcharge of 66-2/3 percent on the tax imposed under RSA 82-A:3 and 82-A:4 on the gross charge for communications services purchased at retail from a retailer.

15 Effective Date.

I. Sections 1-5 of this act shall take effect July 1, 1991.

II. Sections 6-11 of this act shall take effect July 1, 1991, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1991.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

This bill also amends the business profits tax by:

(1) Amending the reasonable compensation deduction for proprietorships and partnerships.

(2) Adding new definitions for compensation and a job creation tax credit.

(3) Amending the apportionment formula.

(4) Adding new tax credits for job creation, research activities, and capital expenditures.

The bill also extends the increased rates for the real estate transfer tax, the meals and rooms tax, and the communications services tax for the biennium ending June 30, 1993.

Senator St. Jean moved to have HB 64-FN Laid On The Table.

Recess.

Out of recess.

A Roll Call was requested by Senator Heath.

SENATOR HEATH: Parliamentary inquiry? If I have been lead to believe, and I have, that the question to table before us is because the Democrats in this chamber, shamefully, I must say, have decided not to explain a question of whether they will vote for the taxes or the portions of the law, denying the civil rights would I vote no on the motion to table? Thank you.

SENATOR DELAHUNTY: Senator, in answer to your question. If you are in favor of tabling HB 64-FN, you will vote yes. If not you will vote no.

SENATOR HEATH: Parliamentary inquiry . . .

Recess.

Out of recess.

SENATOR ST. JEAN: I would like to withdraw my tabling motion.

SENATOR ST. JEAN (Rule #44): The reason that I made the tabling motion, was to find out exactly what was in HB 64-FN. I'm sorry that I upset my friend Senator Heath. It wasn't done in a way to do that Roger, you should believe me on that. Hence, I have withdrawn the motion and I look to Senator Fraser to bring in his amendment at some point. And I apologize Senator Heath if in any way that motion offended you. It wasn't done to do that.

SENATOR COLANTUONO: I just want to say one thing about the Nuclear Tax. I believe its unconstitutional.

Committee Amendment Adopted.

SENATOR RUSSMAN: Yes, by way of further amendment, the committee at this time wishes to introduce amendment #3136L which does three things: one, it raises the Estate and Legacy Tax from 15 percent to 18 percent. It further imposes a Telephone or Communication Property Tax if you will, giving certain exemptions to motor vehicles. I want to say construction works in progress I believe, and office equipment. The other thing that it does is it further clarifies the incentives that we talked about in a BPT in terms of the incentives that the business does have to be in New Hampshire rather than some out of state if they do an expansion to create jobs whatever it might be it has to be related to New Hampshire in order to help the New Hampshire economy. So hopefully, we will support those, the further amendment of the committee.

SENATOR COLANTUONO: I have two different floor amendments. Which one are we discussing right now, what number?

SENATOR DELAHUNTY: The amendment that we are discussing at the present time Senator is #3136L.

SENATOR COLANTUONO: Thank you, that is correct.

SENATOR SHAHEEN: Senator Russman, am I correct that there has not been a public hearing on the Estate and Legacy Tax today?

SENATOR RUSSMAN: In literal terms that is correct? Figuratively, we did take discussion and we did entertain discussion relative to that. But as far as a formal hearing, we did not. And we felt that, there was a proposal that even after the fact we could conceivably have a hearing and take comments on the action taken and we would be happy to do that.

Recess.

Out of recess.

Senator Dupont moved to have HB 64-FN Laid On The Table.

Adopted.

HB 64-FN IS LAID ON THE TABLE.

HB 189, an act relative to the rulemaking authority of the director of the office of securities regulation. Banks committee. Ought to Pass. Senator Fraser for the committee.

SENATOR FRASER: Mr. President, in order to properly explain this amendment, I think a little bit of history must precede it. What occurred was the House in an effort to save some money, when it came time to deliberate the Securities Department in this budget, they opted to split the Department into pieces. One piece, going to the Secretary of State and the other piece, the investigative piece going to the Attorney General's Office. And that is the way that the bill came over from the House. It reflected a savings of about \$200,000, Mr. President. Now the bill was assigned to the Senate Finance committee and the Chairman and the Vice Chairman of Senate Finance asked the Banks Committee to take a look at what the House had done and to determine whether or not this was the best way to address this series of \$200,000. We had a public hearing, Mr. President, and it became quite apparent that because of the nature of the securities industry, it was the committee's consent that this agency should be kept intact. By the same token, I felt that something should be done in order to save some money for the state. What we did was we, just one more thing, Mr. President, there are 5 unclassified positions. All 5 unclassified positions have salaries in excess of \$56,000. This we suspect is the reason that the House originally determined to split this up. But at any rate, what I propose in this amendment is that we restore the agency intact, classify all of the people who are in the agency so that those salaries, each salary structure I am sure is going to take some kind of a reduction, and put it under the interest of the Insurance Commissioner and make it just a Division of the Insurance Department. That is what this bill does, Mr. President. But it moved the people who are actually there, it moves them into the Insurance Department physically. It doesn't just create the positions in the department, but actually moves the people in the agency as well. The second part of the bill, which is a more important part in my view, Mr. President, is there is a self-funding mechanism in there so that the cost of running that agency will be financed by the securities industry. There will be the same format as is now done at the Insurance Department and the Banking

Department. With the banks supporting the Banking Department, and the Insurance Department supports the Insurance Industry. Those are the two parts of the amendment. The original bill addressed the Rulemaking Authority of the Securities Department in view of the fact that I am proposing that this, that we can use this vehicle in order to adopt this amendment because of the fact, that if we move these people into the Insurance Department, the Rulemaking Authority of the Securities Agency with our structure would become moved. So, Mr. President, I would urge the adoption of the amendment to HB 189.

SENATOR COLANTUONO: I would just like to speak briefly to the amendment. I would like to commend Senator Fraser for his excellent work. I think the solution he has crafted is a brilliant one. I strongly support the idea for the benefit of consumers of having a separate Securities Department. I was part of the original bill that beefed up the Security Act back when I was an Assistant Attorney General in 1980 and 1981 in response to certain problems that we had then if you recall the Stewart Meyers case. We then had the Blondheim disaster in the middle 80's. But ever since we set up a separate Securities Agency on it's own we haven't had a major financial scandal in this State and I think that is due to the strong work that has been done by the people in the Securities Division. The House position of splitting it up between the Secretary of State's Office and the Attorney General's Office, with all due respect to my former colleagues there, I think would not give us the proper protection that we need. I think the self-funding mechanism is a master stroke. I think that Senator Fraser has done an excellent job. I think that on the merits of this issue, for the benefit of the state, we should vote for this amendment. A vote against this amendment really is a vote showing that we aren't serious about protecting our consumers and our citizens against securities fraud.

SENATOR DISNARD: Mr. President, I would like to thank the Chairman of my committee, the Bank committee. He has worked many hours, sometimes we had a little disagreement, even today. I think it's the best move. But I especially like the idea that we would save \$600,000 as compared to \$200. It would put it under a strong administrator and also it would mean that we would have the protection and the consumer, and the public would have some protection and I think that is where it belongs.

Senator Fraser offered a floor amendment.

Floor Amendment to HB 189-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the office of securities regulation.

Amend the bill by replacing all after the enacting clause with the following:

1 Office Within Insurance Department. Amend RSA 400-A:42 to read as follows:

400-A:42 Establishment; General Functions

I. There is established **within the insurance department and under the supervision, control and direction of the insurance commissioner** an office of securities regulation [which shall be an autonomous office administratively attached, as provided in RSA 21-G:10, to the department of insurance].

II. The office of securities regulation, through its [officials] **employees**, shall be responsible for the following general functions:

(a) The review, in cooperation with the secretary of state, of applications for registration submitted by all persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors.

(b) The examination and audit of business records maintained by broker-dealers, agents, issuers, and investment advisors.

(c) The investigation, in cooperation with the attorney general, of those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors, suspected of violations of this state's securities laws.

(d) The registration of all securities issued, offered or sold in this state, except for securities exempted under RSA 421-B:17.

2 Director; Other Office Positions; Office of Securities Regulation. RSA 400-A:43 is repealed and reenacted to read as follows:

400-A:43 Director and Other Office Positions.

I. There shall be a director of the office of securities regulation who shall perform the duties assigned under this title under the supervision, control and direction of the insurance commissioner. The director shall be a classified employee and shall be qualified to hold his position by reason of professional competence, education, and experience in the field of securities.

II. There shall be the following classified positions within the office:

(a) Administrator of the office of securities services.

(b) Chief investigator.

(c) Administrator of securities audits and examinations.

(d) Administrator of securities filings.

3 Reference Change; Office of Securities Services. Amend the introductory paragraph of RSA 400-A:45 to read as follows:

There is established within the office of the director an office to be responsible for administrative services, planning, public information, registration, and licensing. This unit shall be under the supervision of [an unclassified] **a classified** administrator of securities services who shall be responsible for the following functions in accordance with applicable law:

4 Chief Investigator Position. Amend RSA 400-A:46 to read as follows:

400-A:46 Office of Investigations. There is established within the office of securities regulation the office of investigations, under the supervision of [an unclassified] **a classified** chief investigator. [The chief investigator may be removed only as provided by RSA 4:1.] He shall be responsible, in accordance with applicable laws, for conducting investigations, in cooperation with the attorney general, of persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors, in order to secure compliance with securities laws.

5 Administrator of Securities Audits and Examinations. Amend the introductory paragraph of RSA 400-A:47 to read as follows:

There is established within the office the bureau of securities audits and examinations, under the supervision of [an unclassified] **a classified** administrator of securities audits and examinations who shall be responsible for the following functions, in accordance with applicable law:

6 Administrator for Securities Filings. Amend RSA 400-A:48 to read as follows:

400-A:48 Bureau of Securities Filings. There is established within the office the bureau of securities filings, under the supervision of [an unclassified] **a classified** administrator of securities filings who shall be responsible, in accordance with applicable laws, for registering all securities issued, offered, or sold in this state, except for securities exempted under RSA 421-B:17. The registration process may involve cross reference checks with the secretary of state.

7 New Section; Securities Regulation Administrative Fund. Amend RSA 400-A by inserting after section 66 the following new section:

400-A:67 Administration Fund.

I. There is hereby established in the state treasury an administration fund for the sole purpose of paying all costs of the office of securities regulation. The fund shall be administered by the director. The state treasurer shall be the custodian of the fund, and all the

moneys and securities in the fund shall be held in trust by the state treasurer and shall not constitute money or property of the state.

II. The state treasurer is authorized to disburse moneys from the fund upon written order of both the director and the commissioner of administrative services in accordance with a budget approved by the general court. The state treasurer shall be required to give bond in an amount to be fixed and with securities approved by the director conditioned upon faithful performance of his duty as custodian of the fund.

III. Each broker-dealer or investment adviser licensed to do business in this state shall make payments to the fund before May 1 of each year, in direct proportion of the next fiscal year's fiscal costs of the office of securities regulation to be appropriated out of the fund. Said share shall be computed in accordance with paragraph V of this section.

IV.(a) For each year, the total amount of such payment made to the fund by all broker-dealers or investment advisers shall be the amount appropriated by the general court for the expenses of the office of securities regulation for the fiscal year commencing on the July 1 next following the payments due on May 1.

(b) However, for the fiscal year 1992, such total amount of administrative fees shall not exceed \$505,000, and for each succeeding year, such total amount of administrative fee shall not exceed by more than 7 percent such total amount of administrative fees for the prior year, beginning with the 1993 fiscal year.

V. The amount payable each year by each such broker-dealer or investment adviser shall be computed by the director as follows: Each such broker-dealer or investment adviser licensed pursuant to RSA 421-B:6, and RSA 421-B:7, shall multiply each principal's or agent's license obtained, in such year, by the broker-dealer or investment adviser pursuant to RSA 421-B:6, and RSA 421-B:7, by a fee of \$30, provided that for the 1991, 1992 and 1993 fiscal years, the minimum fee shall be an amount equal to the number of principals' or agents' licenses obtained by each such broker-dealer or investment adviser during the 1991 fiscal year, multiplied by the \$30 fee.

VI. On or before April 1 of each year, the director shall notify each broker-dealer and investment adviser of his computation under paragraph III.

VII. The director shall be charged with the conservation of the assets of the fund. In furtherer of this purpose, the attorney general shall appoint a member of his staff to represent the fund in all proceedings brought to enforce payment of assessments as provided in paragraph V.

8 Salaries Abolished. Amend RSA 94:1-a by deleting in group O the following:

I. Director of the office of securities regulation.

II. Administrator of the office of securities services, office of securities regulation;

III. Administrator of the bureau of securities filings, office of securities regulation;

IV. Administrator of the bureau of securities audits and examinations, office of securities regulation;

V. Chief investigator, office of securities regulation.

9 Positions to be Classified Positions. The positions of chief investigator, administrator of securities audits and examinations, and administrator of securities filings shall be classified positions, labor grade 32. The positions of director of the office of securities regulation and administrator of the office of securities services shall be classified positions, the labor grades of which shall be determined by the director of the division of personnel.

10 Repeal. RSA 400-A:40, relative to findings and intent, is repealed.

11 Effective Date. This act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill places the office of securities regulation within the insurance department and under the supervision, control and direction of the insurance commissioner. All employees of the office shall be classified employees.

The bill establishes an administration fund into which administrative fees assessed broker-dealers or investment advisors shall be paid. This fund shall pay all costs of the office of securities regulation.

Floor Amendment is Adopted.

Ordered To Third Reading.

Senator St. Jean in opposition to HB 189.

HB 627, an act relative to the treatment of repeat DWI offenders. Finance committee. Ought to Pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: HB 627 the policy of this bill has already been decided in the Senate. We took a look at it in Finance and wanted to be sure where the funding mechanism was. If this means collecting the fees fails, by the way, according to this bill, and it is not self-supporting. This bill would mean that the program would be closed and Senate Finance agrees with the position of the Policy committee that was sent to us. We hope you will support them.

SENATOR COLANTUONO: Senator Blaisdell, is this the program that is some million dollars or so in the red right now?

SENATOR BLAISDELL: It was \$968,000 in the red. This bill here would protect that and it won't happen again, I can assure you of that. Because if this, there is a petition to have a contempt of court action against those who do not pay the fine. But if that doesn't work, then this program is closed. But you are absolutely right. It was almost a million dollars in deficit. That is why we looked at, we think that this will solve it.

Adopted.

Ordered To Third Reading.

HB 727-FN, an act relative to DWI testing, motor vehicle records fees, and commercial driver licenses. Finance committee. Ought to Pass with Amendment. Senator Blaisdell for the committee.

SENATOR BLAISDELL: HB 727, the policy of the Senate was set by the committee. We had to take it down to Finance to remove the \$2 fee. You were going to charge the Insurance companies a \$2 fee to fund the Fire Training Academy. The language and funding for the Fire Academy is contained in SB 41, so we took the \$2 out and we agreed with the policy committee of the Senate.

Amendment to HB 727-FN

Amend the title of the bill by replacing it with the following: relative to DWI testing and commercial driver licenses.

Amend the bill by deleting section 4 and renumbering section 5 to read as 4.

AMENDED ANALYSIS

This bill:

(a) Deletes certain restrictions on commercial motor vehicle driving.

(b) Deletes the requirement that any person seeking a temporary 20-day registration from the division of motor vehicles possess a sales receipt for the vehicle which is dated the same day or one day after issuance of the registration.

(c) Provides for a 10-year commercial license revocation for a second or subsequent refusal of a person to submit to a blood alcohol concentration test.

Amendment Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Currier moved to have HB 700-FN, relative to highway planning corridors, Removed Off The Table.

Adopted.

HB 700-FN, relative to highway planning corridors. Transportation committee. Ought to Pass. Senator Currier for the committee.

SENATOR CARRIER: This bill has been around Robin Hood's barn here! I hope that we will get it in the corral once and for all. Senator Oleson and I are sick of looking at it. For the third time, this bill authorizes state and local units of government to create a highway planning corridor within the public highways in the state of New Hampshire in a design for future use and to impose temporary development restriction upon the land within such corridors. Senator Shaheen at our last session, indicated that she had a concern regarding the appeal process with regard to the developmental rights. The appeals process for the taking of the property later on, is dealt with under the eminent domain proceedings. So we had addressed the amendment that we will be offering, I guess at this time.

SENATOR SHAHEEN: If I can call everyone's attention to the amendment to 700. The amendment number is 3085L. If you recall the last time this bill was on the floor, one of the issues that we discussed was the fact that as the bill currently reads there is no appeal process when the layout authority comes through and designates somebody's property to be a corridor for development. My feeling is that if we are going to do that, it is very important that we provide some mechanism for the landowner to appeal that decision. That is exactly what this floor amendment does. I urge everyone to support this amendment.

Senator Shaheen offered a floor amendment.

Floor Amendment to HB 700-FN

Amend RSA 230-A:4 as inserted by section 2 of the bill to read as follows:

230-A:4 Hearing. The layout authority, at the time and place appointed for hearing, shall make a personal examination of the proposed corridors, shall hear all parties interested who may attend, and may adjourn as it sees cause.

Amend RSA 230-A as inserted by section 2 of the bill by inserting after section 4 the following new section and renumbering the original sections 5-18 to read as 6-19.

230-A:5 Appeal. Any owner of land or other property aggrieved by a finding of the layout authority on the matter of occasion for the layout of a highway planning corridor or alteration thereof, may ap-

peal to the superior court, for the county in which such land or other property is situated, by petition within 60 days after the filing of the return with the secretary of state as provided in RSA 230-A:6. The burden of proof shall be upon the party seeking to set aside any finding of the layout authority to show that such decision is unlawful or unreasonable. All findings of the layout authority upon all questions of fact properly before the court shall be prima facie lawful and reasonable. The decision appealed from shall not be set aside or vacated, except for errors of law, unless the court is persuaded by the balance of probabilities, on the evidence before it, that said finding is unreasonable or unlawful.

AMENDED ANALYSIS

This bill authorizes state and local units of government to create highway planning corridors within which public highways are to be designed and laid out in the near future, and to impose temporary development restrictions upon land within such corridors.

Floor Amendment Adopted.

Ordered To Third Reading.

Senator Heath in opposition to HB 700.

TAKEN OFF THE TABLE

Senator Bass moved to have HB 561, an act enabling towns to limit reconsideration of town meetings votes, Removed Off The Table.

Adopted.

HB 561, an act enabling towns to limit reconsideration of town meetings votes. Public Affairs committee. Ought to Pass. Senator Bass for the committee.

SENATOR BASS: Mr. President, this bill allows voters at any town meeting to limit reconsideration on any vote taken at that meeting so that at a later time in the meeting after most everybody has left, a vote which may have failed or lost, can't be taken up and reconsidered and then voted on at a later time. However, in order to conform with a Supreme Court Ruling, the statute has been amended to say that if a motion for reconsider is accepted, it would have to be taken up at a special meeting, at a later date, and it, to be specific, 7 days after the date in which the motion of reconsidered was approved. So that the general public has the chance to come back to the meeting and have the issue properly debated with everybody having the benefit of full notice. The committee urges your adoption of the committee report of Ought to Pass.

SENATOR SHAHEEN: Senator Bass, when you were looking at this, was there any discussion of including school district meetings as part of this?

SENATOR BASS: Unfortunately, Senator Shaheen, I can't remember the answer to that question. There was discussion of it and it was my understanding that it was resolved in one form or another and not through this bill. As I recall, it is already in law for school districts, and this just covers town meetings. We could take this up at the Committee of Conference.

Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Currier moved to have HB 685-FN, relative to fiscal notes, Removed Off The Table.

Adopted.

HB 685-FN, relative to fiscal notes. Internal Affairs committee. Ought to Pass. Senator Currier for the committee.

SENATOR CURRIER: Nobody can remember quite frankly, why this bill got put on the table. There was some concern that the original bill which is unlike the bill that was ultimately passed by the House, I believe was the question. So it was placed on the table until somebody could take a look at it and it actually got to the point where it was forgotten about. The bill basically takes the fiscal impact statements that are on bills and eliminates the need for that in terms of what I guess you would call the paper reduction act. No fiscal note shall be required for bills or Resolutions which make an appropriation for Capital Improvements or expenditures, which is basically the current language in the law. Our supplemental budget bills established a study committee where only fiscal impact on the bill is due to legislative miles authorized for legislative members and establish a change for civil or criminal penalty, shift the burden of the tax to the local taxpayers without affecting the total amount of revenue received from the tax. It goes on to a number of other things, but it is basically to eliminate and streamline the process. The amendment that was, basically replaces the entire original bill in the House was authored by John Hammond from Legislative Services. The House is interested in streamlining this process so that we can move forward with getting bills into the calendar.

SENATOR W. KING: This is the dog that we laid upon the table earlier. Earlier a month ago, and it is still just as bad as the last time that we laid it on the table. It smells just as bad, and it has just as

many fleas as when we laid it on the table the first time. Can you imagine if we were to change a criminal penalty that was going to cost \$6,000,000 to Indigent Defense and we didn't have to have a fiscal note for it? We'd have no way of knowing what was going to be the affect on the budget of doing this. This bill is going to wreak havoc with the budget process and with our ability to understand what the ramifications of bills are that come before us on the budget. I urge you to not adopt this bill, to vote against the motion to pass and subsequent motion of Inexpedient to Legislate.

SENATOR CURRIER: Senator King, can you tell me what the real value of the current fiscal impact statements that we are getting now, when in fact we haven't received a lot of them?

SENATOR W. KING: Senator Currier, are you making the argument that we shouldn't have fiscal notes whatsoever?

SENATOR CURRIER: I didn't ask that question. I am asking you the value of the current system?

SENATOR W. KING: We all know, every single person in this chamber knows that there are problems with the fiscal note process, both political problems as well as financial problems in terms of their accuracy. Nevertheless, if we are going to make changes to laws or if we are going to add new laws, regardless of what shape or size those laws take, whether they are criminal penalties, capital improvements, capital appropriations, whatever they are, we should know what the fiscal impact of that is in order for us to make a wise, frugal decision, in the spirit of New Hampshire.

Ought To Pass Motion Fails.

Senator W. King moved Inexpedient To Legislate.

HB 685-FN, is Inexpedient To Legislate.

HB 488-FN, an act relative to the flexible spending programs. Finance committee. Ought to Pass with Amendment. Senator Hough for the committee.

SENATOR HOUGH: HB 488 is reported by the Finance committee as Ought to Pass with Amendment. The amendment is in your calendar. It takes and addresses a widow of a group II member who passed away prior to the issuance of the first retirement check, and she had been denied her benefit simply on a matter of timing. This is what the amendment addresses. It protects this widow who in a matter of hours would have been receiving her rightfully entitled benefits. That is what the amendment does. The other part is the flexible benefit plan which allows for the employees to receive a personal tax credit for daycare and unreimbursed medical expenses.

SENATOR HEATH: Senator Hough, how can we protect someone who has passed away, however tragic it is. What do you mean it protects a widow who has passed away?

SENATOR HOUGH: If that is what I said, I am in error.

SENATOR HEATH: Does it protect the heirs of the widow?

SENATOR HOUGH: It allows for the widow of a retired state employee to receive her rightfully entitled benefits. The man died after he retired, before he got his first check. It is simply a matter of a man retired, passed away before his first retirement check. And as a result of that instance because he had not received his first check, his widow was not entitled to her benefits that she otherwise would had as a survivor benefit.

SENATOR HEATH: I don't mean to make the least bit light of a tragedy, and this certainly is a tragedy, but don't we draw a line someplace? And if we fudge on this line, haven't we drawn a new policy that we ought to do, if we are going to do this as a general policy? Because if the line isn't wherever it's drawn, if it isn't drawn, clearly, people are going to fall one side or the other narrowly on occasion on that line and should we make each one come back and plead to the legislature or make it a policy that all widows and widowers receive benefits regardless of the time of death?

SENATOR HOUGH: Roger, let me . . . It's my understanding that the amendment amends the statute so that another situation similar to this would be covered. They are changing policy and second, I am reading what I have been given. It closes a hole in the retirement law which prevents the beneficiary of a group II deceased retiree from receiving the death benefit if the individual had retired, but dies before receiving the first annuity check. There is no cost to this because it was terminally funded and the benefit was granted. That is the information. So in affect . . .

SENATOR HEATH: It is a change in policy . . .

SENATOR HOUGH: We are amending the statute so that between the time an employee retires and receives the first check should they die, their . . .

SENATOR HEATH: No, problem. The policy change on an individual case bill. Thank you.

SENATOR HOLLINGWORTH: I vaguely recall this, and I have to admit my mind is on overload, but I vaguely recall this and I think that what it said, this bill, wasn't this a loophole in the law, where if the individual died, they were left out when the retirement was

done, and it ended up that if he died within 30 days or something, she ended up getting nothing, which she should have been getting the retirement benefits that she had been granted under the law? It was when we changed the law, it was just that little slot because of the change in the dates that left them unprotected. Is that correct?

SENATOR HOUGH: That is correct. You are correct.

Amendment to HB 488-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the flexible spending programs and relative to
providing retirement benefits upon the death
of certain group II members.

Amend the bill by replacing all after section 1 with the following:

2 Benefits Upon Group II Member's Death After Retirement.

Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a [retired] group II member who has retired on or after April 1, 1987, [after the member's retirement allowance payments have commenced,] **or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991**, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and there shall be paid to the member's surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 1991.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the director, division of personnel, to use moneys in the employee benefit adjustments account to pay for certain administrative costs and certain advance costs of the program.

The bill also changes the provisions for providing retirement benefits upon the death of a group II member after the member's retirement.

Amendment Adopted.

Ordered To Third Reading.

HB 622-FN, an act relative to a debt management plan. Finance committee. Ought to Pass. Senator Hough for the committee.

SENATOR HOUGH: The committee on Finance recommends the passage of HB 622 relative to debt management plan. This bill as it was received from the House has been amended to provide for a bonding fiscal note to be prepared by the LBA so that future projects or legislation affecting the bonding of the state of New Hampshire will carry with it a fiscal note, if you will, similar to the bill that was just addressed by Senator King on the operating budget. So passage of this would allow us to at least know what our position is relative to our bonded indebtedness, percentage of our revenues and whether we are getting out of tilt.

Adopted.

Ordered To Third Reading.

HB 669-FN, an act relative to the borrowing authority of the state treasurer. Finance committee. Ought to Pass with Amendment. Senator Hough for the committee.

SENATOR HOUGH: We could proceed with the committees amendment first. The amendment allows for the maximum flexibility between the Housing Finance Authority and the Industrial Authority. The present law is a 1/3 Housing, 2/3 Industrial Development. It changes it to 1/2, 1/2 parity and that is the intent of the amendment. The bill is clearly a bill that increases the borrowing capacity of the state treasurer from the present 70 to \$175,000,000.

SENATOR HUMPHREY: Senator Hough, why are we being asked to raise this short-term borrowing limit from \$70,000,000 to \$175,000,000?

SENATOR HOUGH: The House has amended it to 125 and we as a committee are increasing it from 125 to 175.

Recess.

Out of recess.

SENATOR HUMPHREY: I have to ask a question of Senator Hough. Even though we are being asked to raise a short-term borrowing authority by \$100,000,000, there is no committee transcript available for Senators to consult? Why do we need, the present short-term borrowing limit is \$70,000,000? Why do we need to borrow that by \$105,000,000 in one fell swoop, even though I recognize that in a year, two years, July of 93 it goes down from 175 to 125, even that is 55 million above its current limit?.

SENATOR HOUGH: Senator Humphrey, if you were to have a transcript of the public hearing on the bill, you would find, if my memory serves me correctly, that number one, at this very moment, I should say, I believe that by next Tuesday, the state treasurer will go to borrowing, and she would have exhausted the present 70 million limitation, and there are still items in the month of June that you have to account for. Recognizing that, clearly the House position was that the 70 million had been set for the last time in the early 80's, We are now at a point where regardless of the desirability the 125 is the more reasonable supported by the treasurer. Events have unfolded to this very hour, and in this transition period we need the additional 105 million, if you will, for short-term borrowing over the next 24 months to be sunsetted back to a more correct number of 125. Now that is what the reasoning was. Obviously, you would want to address the subject of the bill, but that is the best answer that I can give you on behalf of your committee on Finance.

SENATOR HUMPHREY: Well, we have had the short-term borrowing limit set at \$70,000,000 for some years, presumably, if for no other reason than for inflation, we would want to increase that. But to be asked to increase it from 70 million today to 175 million on July 1, strikes this Senator as extraordinary. I don't suppose that it's worth a roll call vote at this juncture, since the Senate hasn't shown very much concern about the fiscal integrity so far today, at least in the view of this Senator. But I want to express my alarm, Mr. President, and ask to be recorded as opposed to this enormous increase. This increase that more than doubles the short-term borrowing limit.

PRESIDENT DUPONT: Having been involved in this, I would just like to add that the one way to insure that we need to borrow \$175,000,000 is to not put a package in place to balance this budget. Because clearly, the state treasurer is going to be in a difficult position of not having sufficient money in the checkbook, as she has right now, to pay the state's bills. So one of the reasons that we are sitting

here today, is to try and address that issue, to limit the amount of borrowing that would have to take place by putting in place a package that would ultimately resolve that goal. However, clearly, there is going to be a need for increased short-term borrowing unless we see a significant turnaround in our economy. And for those who think the economy is going to get better overnight, then the reduction and the need for short-term borrowing should also be reduced and we would not have any problems paying the monies back that we borrow.

SENATOR HUMPHREY: Well, it kind of sounds as though we are raising this in anticipation of bonding some of the debt. The more reason to be opposed in my view.

Amendment to HB 669-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the borrowing authority of the state treasury
and relative to the industrial development authority
and the housing finance authority.

Amend the bill by replacing all after the enacting clause with the following:

1 State Treasurer; Borrowing Limit Raised; Repayment Time Specified. Amend RSA 6:13, I and II to read as follows:

I. When it is anticipated that there will not be sufficient general funds in the treasury for the payment of obligations, the treasurer, under the direction of the governor and council, is authorized to borrow on the state's credit such sums as may be necessary, not to exceed the amount authorized by the governor and council, provided that at no time shall the indebtedness of the state, pursuant to the authority granted by this section exceed the sum of [\$70,000,000] **\$175,000,000.**

II. Unless otherwise provided by the governor and council, the treasurer shall have the authority to borrow at one time, or from time to time, up to the aggregate amount authorized by the governor and council under this section, and to determine the amounts, dates, maturities, and other details of each borrowing, **provided that each such indebtedness shall be repaid from revenues within one year.**

2 State Treasurer; Borrowing Limit Raised. Amend RSA 6:13, I to read as follows:

I. When it is anticipated that there will not be sufficient general funds in the treasury for the payment of obligations, the treasurer, under the direction of the governor and council, is authorized to bor-

row on the state's credit such sums as may be necessary, not to exceed the amount authorized by the governor and council, provided that at no time shall the indebtedness of the state, pursuant to the authority granted by this section exceed the sum of [\$175,000,000] \$125,000,000.

3 Allocation Formula; Private Activity Bonds. Amend RSA 162-M:2, II and III to read as follows:

II. The housing finance authority may from time to time assign up to [1/3] 1/2 of the state ceiling in any calendar year to and among issuers, including itself, for the purpose of (a) allocating such state ceiling to housing bonds or (b) electing under section 25(c)(2)(A)(ii) of the code not to issue a specified amount of qualified mortgage bonds in order to issue, or reserve the right to issue, mortgage credit certificates pursuant to section 25 of the code. The housing finance authority may also from time to time transfer any portion of the state ceiling within its control pursuant to this section to the industrial development authority, which may assign any state ceiling so transferred in addition to and as if it were state ceiling described in RSA 162-M:2, III.

III. The industrial development authority may from time to time assign up to [2/3] 1/2 of the state ceiling in any calendar year to and among issuers, including itself, for the purpose of allocating such state ceiling to (a) private activity bonds other than housing bonds and (b) bonds which would be private activity bonds unless an allocation of state ceiling is made to them. The industrial development authority may also from time to time transfer any portion of the state ceiling within its control pursuant to this section to the housing finance authority, which may assign any state ceiling so transferred in addition to and as if it were state ceiling described in RSA 162-M:2, II.

4 New Paragraph; Allocation Priorities. Amend RSA 162-M:2 by inserting after paragraph III the following new paragraph:

III-a. The housing finance authority and the industrial development authority prior to assigning the state ceiling in any calendar year, shall consider the relative needs and priorities of the agencies and, by mutual consent, may set aside the proportionate allocation specified in paragraphs II and III.

5 Effective Date.

I. Section 2 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill increases the amount the state treasurer may borrow on the state's credit, and then reduces such amount effective July 1, 1993. This bill also limits the borrowing authority of the state treasurer so that each amount borrowed shall be repaid from revenues within one year.

This bill also reapportions the state ceiling on private activity bonds between the industrial development authority and the housing finance authority. This bill also requires the industrial development authority and housing finance authority to consider the needs and priorities of agencies prior to assigning the state ceiling in any calendar year.

Amendment Adopted.

Ordered To Third Reading.

Senators Heath and Humphrey in opposition to HB 699.

HOUSE MESSAGE

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 62-FN, relative to retirement allowances under the New Hampshire retirement system.

Senator Bass moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Delahunty, Bass, Nelson.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kathleen Ward, Robert Wheeler, Arnold Shibley, Janet Pelley.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 451-FN, relative to the licensing of residential care and health facilities.

Senator J. King moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Fraser, Bass.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Foster, Katherine Wheeler, Alice Ziegra, Mary Holmes.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 502-FN-A, relative to child care resource and referral systems and making an appropriation therefor.

Senator J. King moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Bass, St. Jean.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William McCain, Ellen-Ann Robinson, Eugene Gagnon, Rick Trombly.

HOUSE MESSAGE

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 784-FN, creating a long-range construction program for New Hampshire's highways and highway bridges.

Senator Hough moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, Oleson, Hough.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler, Beaton Marsh, William Driscoll, Dennis Kilbride.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 143-FN, relative to the liquor commission's authority to close liquor stores.

Senator McLane moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Kelley, Nils Larson, Edward Flynn, Channing Brown.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 322, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes.

Senator McLane moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Sytek, Garret Cowenhoven, Robert Hayes, David LaMar.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 334, relative to the establishment of agency liquor stores.

Senator McLane moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Thomas Behrens, William Desrosiers, Betsy McKinney, Frank Reidy.

COMMITTEE REPORTS

HB 65-FN-A, an act relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures. Finance committee. Ought to Pass with Amendment. Senator Hough for the committee.

SENATOR HOUGH: Mr. President, before I start to review the committee amendment on HB 65, I would draw your attention to the fact that there will be 3 floor amendments, I stand corrected, there will be 3 that I am aware of, floor amendments offered by the Finance committee to HB 65. The first amendment will be offered on behalf of the committee by Senator Hollingworth, wherever she is. It is being copied at this moment. The second floor amendment by the committee will be offered by Senator Fraser. That is the securities piece and that is being drafted. Third floor amendment, simply strikes that section relative to employee health benefits. This morning you passed HB 25 in which there was the appropriation for the full funding of the House benefit, health insurance benefit for retired state employees and there was the other appropriation and language relative to the ongoing work with the state employees relative to the

benefit for the active employees. So you don't need that piece. What you see in front of you is ditto from the House 65. We are going to take it all out because we have addressed the retired state employees health benefits by the appropriation act. Now I will proceed to address the committee amendment on HB 65 that is printed in the calendar and ask that we do not address the 3 subjects that I have indicated that will be handled by committee floor amendments. I would quickly go through 65 indicating subject matters and I would attempt to answer your questions and failure to answer them. I would call on the assistance of the LBA, unless you would want it otherwise. We first look at a waiver of the purchasing requirements and extend these present statutes to include, and you will see that it would appear that there are a number of agencies under the bid procedure, but that is a regurgitation of the present statute and what we are adding is the Department of Revenue Administration. Clearly, there was a situation wherein we have state bid requirements and federal bid requirements. There was a purchase of a computer under the state requirements that was in conflict with the federal requirements. They proceeded under state law, and because it was not recognized by the federal requirements, we did not receive the federal reimbursements that we otherwise would have received. Bottom line, it cost us money. Should do . . . bear with me. We have established a position in Environmental Services that will allow them to address a problem as service by a recent audit. There has been a tremendous growth of activity in this agency and the people doing the work have been overwhelmed. They now need a Chief Operations Officer. There is the Liz Hager, Stacey Cole, timber tax language. I can go into the issue, but I think you are aware of it. There is a filing requirement in April on cuts as I understand it, and it's mud season, and they can't finish the cut and it extends it to June. Apparently, it is an idea who's time has come, I don't think there is an issue there. We had a problem with the retirement system in that they were in need of specialized expertise. It was recognized in an audit. Senator Nelson came to me on the situation. We have established the position, Food and Management which say that the Executive Director should have a position higher than this highly skilled position that is reflected in the retirement system. Funds are out of the administrative account. We now get to the section of the amendment that addresses the compromised position between the law enforcement communities, local police chiefs, county sheriffs, state police, the issue of a year ago. It was revisited by this body. A Senate bill has the exact language as the House, I believe their motion of rerefer, we are including it in here. It affirms the House position. I stand corrected, Senate Position. We have a section dealing with vital records, and the fee for service and it is going

to relieve the town clerks. We are going to put EDP equipment linked into the Department of Public Health so that they can transfer their vital records. The cost of this activity will be borne by the fees the town clerks will receive an additional dollar. The balance of the \$10 will go to amortize the cost of this activity. There is language that allows for recovery of the cost for duplicating records in the Department of Public Health that will relieve general funds. People have needs for copies and if they get them, they will now pay for them. There is language relative to the Labor Department, and this is the piece which takes a dedicated agency income that has arrived from fines from carriers and reduces their obligation. This is the piece that Senator Hollingworth brought to our attention. It clearly makes sense. You fine people, they pay the fine, and it reduces the assessment. That is not the way we should proceed. If you are guilty of the violation and you pay a fine, it should be unrestricted revenue to the general fund. The cost of the boiler and the elevator inspectors should be borne by the insurance carriers and you shouldn't use the fines that they pay to reduce the assessments against them, and that is what Senator Hollingworth brought to our attention. We have the activity on the Medical Examiners Office, and I still don't know what that person does, but it's here and I believe that the funding to support it is here. Bear with me a minute. There is a section on indigent defense and I have to call for some help because I don't recall. I will get you an answer on that piece. There is another section in regard to the property tax that has not been paid by state and federal forest in the communities and The Department of Revenue Administration had no sense of direction on how to calculate it and this will address how the Department of Revenue Administration calculates lot taxes back to the communities. The section on indigent defense allows for transfers from one line to another and will give them the flexibility to more appropriately provide the activity between the various assigned counsel and, Senator Podles, help me The indigent defense has 3 pieces and we never know where your case loads are going to be. Assigned counsel contract counsel and the public defender; thank you. There is a section on the Pease Development in this bill, it allows them to go forward with the development and the investment in this facility and asset, and it provides for legislative oversight, as well as Governor and Council approval. So as they move forward, we will know what they are spending, where they are spending, and it is our call if we don't feel that it is the proper direction. That piece has been discussed amongst the various members, and I assume that the language is what you want to protect the legislative position. There is the President's, as I refer to as blue ribbon commission, involving the expertise of New Hampshire folks and analyzing the operation of state government. It is a

task force on government operations, that is the official name. Clearly, we recognize that there are people throughout the community in New Hampshire that can provide us with their expertise and if there are ways of operation and it should be considered, that are different than the status quo, we look to their input so that we can take action the first of the year. The rest of the language refers to constituencies on a what if this happens and what doesn't happen, and it is structural boiler plate as we move forward.

SENATOR HOLLINGWORTH: I have a question of the Chair, please. I understand that there are several amendments on this bill, and if it would be possible, could we get those amendments now, so that we know what we were talking about, what's to come, before we go forward on this piece of legislation.

SENATOR DELAHUNTY: Senator, it is my understanding that there are three amendments coming from the Senate Finance committee, one from Senator Hollingworth, one from Senator Dupont, one from Senator Heath, and one from Senator Fraser. That makes seven altogether, Senator. I have one down here that says from Senator Heath, Senator Heath.

SENATOR HEATH: Well what do we expect. We can't get the "s" out of Hollingworth and we can't get the Hough out of Heath, I am not a bit surprised.

SENATOR HOLLINGWORTH: I would like all the amendments.

SENATOR DELAHUNTY: If I could please. The amendment is being passed out now. We have two of the three amendments coming from Senate Finance, where is the third amendment, Gloria? Is somebody working on the third amendment from Finance?

SENATOR DELAHUNTY: Senator Hough, have we addressed everything on the committee amendment yet?

SENATOR HOUGH: Yes.

Amendment on HB 65-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Rulemaking Added. Amend RSA 21-I:14 by inserting after paragraph XII the following new paragraph:

XII-a. Procedures for the waiver of certain provisions of RSA 21-I relative to purchasing under RSA 21-I:18, II.

2 Waiver Procedure Added. Amend RSA 21-I:18 to read as follows:
21-I:18 Exemptions.

I. To the extent indicated in this section, the following agencies and purchases are exempted from the provisions of this chapter. All exempt purchases shall be made in accordance with the existing laws governing such purchases:

[I.](a) The university system of New Hampshire shall not be required to make any purchases through the director of plant and property management, unless it wishes to do so. If it does, the director shall be required to follow the provisions of this chapter. The university system shall make purchases under competitive bidding requirements except when waived by the chancellor of the university system or his authorized agent upon written justification.

[II.](b) The purchasing powers now vested in the state liquor commission by RSA 176:11, RSA 176:15, and RSA 177:1 shall remain in effect. All other purchases by or for said commission shall be subject to the provisions of this chapter.

[III.](c) The legislature, secretary of state, court systems and the state reporter are completely exempted from the provisions of this chapter.

[IV.](d) This chapter shall not apply to any contracts made or entered into by the director of plant and property management or any agency under the terms of which contractors with the state purchase their own supplies directly.

[V.](e) The purchase of materials, supplies and merchandise by the department of resources and economic development as provided by RSA 219:21 shall not be subject to the provisions of this chapter.

[VI.](f) All state agencies are exempted in the matter of the purchase of books and periodicals.

[VII.](g) The purchase of gaming tickets and their dispensing equipment by the sweepstakes commission. The commission shall make such purchases under competitive bidding requirements, except when waived by the commission or its authorized agent with written justification.

[VIII.](h) The purchase of client rehabilitative equipment and supplies for disabled persons by the division of vocational rehabilitation, including adaptive equipment as provided by RSA 200-C:16, shall not be subject to the provisions of this chapter.

II. Notwithstanding any other provision of law, the commissioner of the department of administrative services, or his designee, may waive the provisions of RSA 21:I, relative to the purchase of materials, supplies, and merchandise, when requested by the executive head of any department or agency or his designee to prevent the loss of any federal or other funds subject to recapture. Such waiver shall be acted upon in a timely manner, and approval shall not be unreasonably withheld.

3 Medical and Surgical Benefits. Amend RSA 21-I:30, I to read as follows:

I. The state shall pay [the full] a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

4 Section Heading Changed. Amend the section heading of RSA 21-O:2 to read as follows:

21-O:2 Commissioner; Assistant Commissioner; Directors; **Chief Operations Officer**; Compensation.

5 New Paragraph; New Position; Chief Operations Officer. Amend RSA 21-O:2 by inserting after paragraph III the following new paragraph:

III-a. The commissioner shall nominate for appointment by the governor and council a chief operations officer of the commissioner's office who shall serve for a term of 4 years. The chief operations officer shall oversee and coordinate the activities of the administrative services, geology, public information and permitting, and laboratory services units, and shall be responsible for the following functions:

(a) Preparing agency budget requests.

(b) Developing and implementing procedures for assuring smooth operation of the various units within the commissioner's office.

(c) Ensuring compliance with directives and procedures by the governor and general court.

(d) Implementing audit recommendations concerning the commissioner's office units.

(e) Carrying out the directives of the commissioner and assistant commissioner.

6 Salary; Chief Operations Officer. Amend RSA 21-O:2, IV to read as follows:

IV. The salaries of the commissioner, the assistant commissioner, **the chief operations officer** and each division director shall be as specified in RSA 94:1-a.

7 Salary; Chief Operations Officer. Amend RSA 94:1-a, I by inserting in group O the following: chief operations officer, department of environmental services.

8 Filing; Intent to Cut. Amend RSA 79:10 to read as follows:

79:10 Notice of Intent to Cut.

I. Every owner, as defined in RSA 79:1, II, shall, at the beginning of each tax year and prior to commencing each cutting operation, file with the proper assessing officials in the city or town where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating his name, residence, social security number, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year. The appropriate copies of all intents received by a city or town shall be forwarded to the commissioner of revenue administration by the assessing officials. Upon receipt of an original intent, the commissioner of revenue administration shall assign an operation number and furnish, without cost to the owner, a certificate and report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city or town. The appropriate copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development. Starting an operation before the appropriate notice of intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation.

II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1 shall not be required to file for a new notice of intent if the cutting operation will be completed prior to June 30 of that year.

9 Salary; Executive Secretary, N.H. Retirement System. Amend RSA 94:1-a, I by deleting from group M the following: executive secretary, N.H. retirement system.

10 Salary; Executive Secretary, N.H. Retirement System. Amend RSA 94:1-a, I by inserting in group O the following: executive secretary, N.H. retirement system.

11 Jurisdiction of State Police Employees. Amend RSA 106-B:15 to read as follows:

106-B:15 Jurisdiction of Police Employees.

I. Police employees have jurisdiction on all turnpikes, toll roads and interstate highways and nothing in this section shall be construed to limit the authority of local police officers. A police employee shall not act within the limits of a town having a population of more than 3,000 or of any city, except when he witnesses a crime, or is in pursuit of a law violator or suspected violator, or when in search of a person wanted for a crime committed outside its limits, or when in search of a witness of such crime, or when traveling through such town or city, or when acting as an agent of the director of motor vehicles enforcing rules pertaining to driver licenses, registrations and the inspection of motor vehicles, or when requested to act by an official of another law enforcement agency, or when ordered by the governor.

II. Police employees shall also have authority to detect and apprehend violators of RSA 265:82 and RSA 265:82-a relative to driving while under the influence of alcohol or drugs on all numbered state highways, unless written notification has been given by the chief of police of a town having a population of more than 3,000 or of any city to the director of state police which limits the jurisdiction of police employees to the provisions of paragraph I. Police employees shall also have the authority to make arrests for violations of RSA 318-B, the controlled drug act, in which case they shall in advance of the arrest notify the police department in the community in which the intended action is contemplated. If exigent circumstances make such advance notification impractical, it shall be made in as timely a fashion as possible, and the police employees shall cooperate with the local authorities in the completion of the investigation.

III. No criminal case shall be abated, quashed, or dismissed and no **prosecution refused** or evidence in a criminal case [shall be] suppressed [or excluded] because a police employee has failed to comply with the jurisdictionally limits of this section, provided[,], that the police employee had a good faith belief that he had authority to act when he acted.

12 Birth Registration Cards; Fee Increased. Amend RSA 126:13 to read as follows:

126:13 Birth Registration Cards.

I. The registrar of vital records and health statistics, or the town clerk, may issue, in accordance with the provisions of RSA 126:14, a card containing information relative to the date and place of birth of such persons as may be on record in his office. The fee for the issuance of any such card shall be [\$3] **\$10**. However, under no circumstances shall any information relative to any adoption be disclosed or given out by the registrar of vital records and health statistics, or the town clerk, or any other individual except pursuant to RSA 170-

B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

II. The town clerk shall forward \$6 of each fee collected under this section to the state treasurer for deposit in the vital records improvement fund established under RSA 126:31. The town clerk shall retain the remaining \$4 as his fee for issuing such birth registration card.

13 New Sections; Fund Established; Committee Established. Amend RSA 126 by inserting after section 30 the following new sections:

126:31 Vital Records Improvement Fund. There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for vital records improvement, and said money shall not be used for any other purpose. Moneys in the fund shall be allocated by the director, division of public health services, with the assistance of the advisory committee established under RSA 126:32. The fund shall be nonlapsing and shall be continually appropriated to the director, division of public health services.

126:32 Advisory Committee.

I. There is established an advisory committee to assist the director of public health services in administering the fund established under RSA 126:31. The advisory committee shall also determine the need for improvement and automation of the processing of vital records. The members of the committee shall be appointed by the director of public health services as follows:

- (a) A town clerk.
- (b) A city clerk.
- (c) A funeral director.
- (d) A physician licensed under RSA 329.
- (e) A nurse licensed under RSA 326-B.

(f) A public member, who shall have a direct interest in the registration of vital records.

(g) The registrar of vital records, or designee.

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms.

14 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (nn) the following new subparagraph:

(oo) Moneys received from the town clerk under RSA 126:13, II, which shall be credited to the vital records improvement fund established in RSA 126:31.

15 Birth Registration Cards; Fee Increased. Amend RSA 126:13 to read as follows:

126:13 Birth Registration Cards. The registrar of vital records and health statistics, or the town clerk, may issue, in accordance with the provisions of RSA 126:14, a card containing information relative to the date and place of birth of such persons as may be on record in his office. The fee for the issuance of any such card shall be [\$3] **\$10**. However, under no circumstances shall any information relative to any adoption be disclosed or given out by the registrar of vital records and health statistics, or the town clerk, or any other individual except pursuant to RSA 170-B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

16 Fee Increased for Requesting Vital Records. Amend RSA 126:15 to read as follows:

126:15 Fees For **Copies and Verifications**. A town clerk or the registrar of vital records and health statistics shall be paid in advance, by any person requesting any copy or verification as provided in RSA 126:14, the sum of [\$3] **\$10** for making search, which sum shall include payment for the issuance of such copy or verification, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$4.

17 New Paragraph; Photocopies of Documents; Health and Human Services. Amend RSA 126-A:4 by inserting after paragraph IV the following new paragraph:

V. The commissioner may assess and collect reasonable fees for the duplication of materials made pursuant to RSA 91-A:4 and for material generally available to the public upon request. Such fees shall be based on an amount necessary to recover the cost of producing such documents, regardless of the type of medium used. Fees paid to the department of health and human services shall be continually appropriated to the department. Local, state and federal agencies shall be exempted from these fees.

18 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (nn) the following new subparagraph:

(oo) Moneys received under RSA 126-A:4, V, which shall be credited to the commissioner, department of health and human services.

19 Statement of Purpose; Administrative Fines; Division of Public Health Services. The general court finds that the laws protecting the health of the public contain appropriate civil and criminal penalties but lack a mechanism to compel the earliest possible compliance necessary to protect the public while other sanctions are being pursued, or a mechanism to penalize infractions of such laws which do not warrant civil or criminal penalties. Therefore, the purpose of

sections 20-47 of this act is to provide the division of public health services with the necessary tools, in the form of administrative fines, to fully protect the health of the public, while assuring restraint on the regulator through a scaling of fines and the availability of due process for the regulated.

20 New Paragraphs; Rulemaking. Amend RSA 130-A:6 by inserting after paragraph II the following new paragraphs:

III. A schedule of administrative fines which may be imposed under RSA 130-A:8-a for violation of this chapter or the rules adopted pursuant to it.

IV. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 130-A:8-a.

21 New Section; Administrative Fines. Amend RSA 130-A by inserting after section 8 the following new section:

130-A:8-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

22 New Paragraphs; Rulemaking Added. Amend RSA 137-F:16 by inserting after paragraph III the following new paragraphs:

III-a. A schedule of administrative fines which may be imposed under RSA 137-F:18-a for violation of this chapter or the rules adopted pursuant to it.

III-b. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 137-F:18-a.

23 New Section; Administrative Fines. Amend RSA 137-F by inserting after section 18 the following new section:

137-F:18-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or ad-

ministrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

24 New Subparagraphs; Rulemaking Added. Amend RSA 141-E:4, I by inserting after subparagraph (l) the following new subparagraphs:

(m) A schedule of administrative fines which may be imposed under RSA 141-E:15-a for violation of this chapter or the rules adopted pursuant to it.

(n) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 141-E:15-a.

25 New Section; Administrative Fines. Amend RSA 141-E by inserting after section 15 the following new section:

141-E:15-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision for the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

26 New Subparagraphs; Rulemaking Added. Amend RSA 143:6, II by inserting after subparagraph (d) the following new subparagraphs:

(e) A schedule of administrative fines which may be imposed under RSA 143:7-a for violation of this chapter or the rules adopted pursuant to it.

(f) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 143:7-a.

27 New Section; Administrative Fines. Amend RSA 143 by inserting after section 7 the following new section:

143:7-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and

appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

28 New Paragraphs; Rulemaking Added. Amend RSA 143-A:9 by inserting after paragraph IV-a the following new paragraphs:

IV-b. A schedule of administrative fines which may be imposed under RSA 143-A:10-a for violation of this chapter or the rules adopted pursuant to it.

IV-c. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 143-A:10-a.

29 New Section; Administrative Fines. Amend RSA 143-A by inserting after section 10 the following new section:

143-A:10-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

30 Rulemaking Added. RSA 145:15 is repealed and reenacted to read as follows:

145:15 Rulemaking. The director, division of public health services, shall adopt rules pursuant to RSA 541-A, relative to:

I. Licenses issued under RSA 145:3.

II. The use of marks, tags, labels, and signs.

III. A schedule of administrative fines which may be imposed under RSA 145:17 for violation of this chapter or the rules adopted pursuant to it.

IV. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 145:17.

V. Any other matter necessary for the administration of this chapter.

31 New Section; Administrative Fines. Amend RSA 145 by inserting after section 16 the following new section:

145:17 Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

32 New Subparagraphs; Rulemaking Added. Amend RSA 146:11, II by inserting after subparagraph (e) the following new subparagraphs:

(f) A schedule of administrative fines which may be imposed under RSA 146:18-a for violation of this chapter or the rules adopted pursuant to it.

(g) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 146:18-a.

33 New Paragraph; Administrative Fines. Amend RSA 146 by inserting after section 18 the following new section:

146:18-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter, except for those provisions relating to additives to fresh produce. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules, in accordance with RSA 541-A, relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

34 Fine Deleted. Amend RSA 147:2 to read as follows:

147:2 Rulemaking; Enforcement. The director, division of public health services, shall, in addition to the rules and ordinances of the health officers of towns, adopt other rules pursuant to RSA 541-A,

as in his judgment the public good requires, and the rules shall be enforced by the department of health and human services, division of public health services, and local boards of health. The division of public health services may also enforce, concurrently with towns, the other provisions of this chapter. [Any person wilfully violating any rule of the director, division of public health services, as adopted under this section shall be fined \$10.]

35 New Subparagraphs; Rulemaking Added. Amend RSA 151:9, I by inserting after subparagraph (k) the following new subparagraphs:

(l) A schedule of administrative fines which may be imposed under RSA 151:16-a for violation of this chapter or the rules adopted pursuant to it.

(m) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 151:16-a.

36 New Paragraphs; Rulemaking Added. Amend RSA 151:9-a by inserting after paragraph VIII the following new paragraphs:

IX. A schedule of administrative fines which may be imposed under RSA 151:16-a for violation of this chapter or the rules adopted pursuant to it.

X. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 151:16-a.

37 New Section; Administrative Fines. Amend RSA 151 by inserting after section 16 the following new section:

151:16-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

38 New Section; Administrative Fines. Amend RSA 151-B by inserting after section 14 the following new section:

151-B:14-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Re-

hearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

39 New Paragraphs; Rulemaking Added. Amend RSA 151-B:16 by inserting after paragraph V the following new paragraphs:

V-a. A schedule of administrative fines imposed under RSA 151-B:14-a for violation of this chapter or the rules adopted pursuant to it.

V-b. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 151-B:14-a.

40 New Paragraphs; Rulemaking Added. Amend RSA 170-E:11 by inserting after paragraph V the following new paragraphs:

VI. A schedule of administrative fines which may be imposed under RSA 170-E:21-a for a violation of this chapter or the rules adopted pursuant to it.

VII. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 170-E:21-a.

41 New Section; Administrative Fines. Amend RSA 170-E by inserting after section 21 the following new section:

170-E:21-a Administrative Fines. The commissioner of the department of health and human services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The commissioner shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

42 Rulemaking Added. RSA 325-A:5 is repealed and reenacted to read as follows:

325-A:5 Rulemaking. The director, division of public health services, shall adopt rules, pursuant to RSA 541-A relative to:

I. The construction and operation of crematories.

II. A schedule of administrative fines imposed under RSA 325-A:7 for violation of this chapter or the rules adopted hereunder.

III. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 325-A:7.

IV. Any other matter necessary to the administration of this chapter.

43 New Section; Administrative Fines. Amend RSA 325-A by inserting after section 6 the following new section.

325-A:7 Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

44 New Subparagraphs; Rulemaking Added. Amend RSA 328-B:4, VII by inserting after subparagraph (j) the following new subparagraph:

(k) A schedule of administrative fines which may be imposed under RSA 328-B:11-a for violation of this chapter or the rules adopted pursuant to it.

(l) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 328-B:11-a.

45 New Section; Administrative Fines. Amend RSA 328-B by inserting after section 11 the following new section:

328-B:11-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The

sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

46 New Subparagraphs; Rulemaking Added. Amend RSA 339-A:5, II by inserting after subparagraph (f) the following new subparagraphs:

(g) A schedule of administrative fines which may be imposed under RSA 339-A:7-a for violation of this chapter or the rules adopted pursuant to it.

(h) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 339-A:7-a.

47 New Section; Administrative Fines. Amend RSA 339-A by inserting after section 7 the following new section:

339-A:7-a Administrative Fines. The director of the division of public health services, after notices and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

48 Fees; Acute Care Hospitals, Specialty Hospitals, and Nursing Homes. Amend RSA 151-C:15, I to read as follows:

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee of up to 1/10 of one percent of their previous year's revenue minus contractual allowances or, if a new facility, up to 1/10 of one percent of their projected first year revenue minus contractual allowances. The total amount collected shall not exceed [\$400,000] **\$500,000** per year to be prorated at the end of each fiscal year among all acute care hospitals, specialty hospitals, and nursing homes licensed under RSA 151, **except those operated by county and municipal governments.**

49 Fee for Elevator Inspection Certificate Increased. Amend RSA 157-B:5, I to read as follows:

I. Subsequent to the inspection of an elevator, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the elevator is certifiable and shall provide a copy of the inspection report to the owner or

the owner's designee. When an elevator passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of [\$15] \$45 shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

50 Repeal. RSA 157-A:14, relative to the boiler and elevator inspection fund, is repealed.

51 Exemption From Competitive Bidding; School Improvement Program. Amend RSA 186:69 to read as follows:

186:69 School Improvement Program. There is established a school improvement program within the department of education. The [department] **commissioner of education** shall contract with an appropriate agency to implement this program. The program shall be based upon, but not limited to, the profiling effectiveness in special education model developed by the bureau of special education, department of education, for implementation as the school improvement program in the public elementary, middle and high schools of the state. Such implementation shall be done annually in selected schools voluntarily requesting to participate in the New Hampshire school improvement program. **Notwithstanding any law or rule to the contrary, the school improvement program shall be exempt from competitive bidding requirements. Notwithstanding the provisions of RSA 186:11, the commissioner shall have exclusive authority over expenditures of funds appropriated for the school improvement program.**

52 New Section; Transfers from Fish and Game Fund. Amend RSA 206 by inserting after section 33-a the following new section:

206:33-b Transfers from Fish and Game Fund. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the fish and game department, the department may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the fish and game fund for fish and game department purposes.

53 Definition; Attorney General. RSA 421-A:2, I-a is repealed and reenacted to read as follows:

I-a. "Attorney general" means the attorney general or delegee.

54 Definition; Department. RSA 421-A:2, IV-a is repealed and reenacted to read as follows:

IV-a. "Department" means the department of justice.

55 Reference Changes. Amend RSA 421-A:11, I to read as follows:

I. Whenever it appears to the [director] **attorney general** that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter, or any rule adopted or order issued under it, the [director] **attorney general** may issue and

cause to be served upon any person violating any of the provisions of this chapter, an order requiring the person to cease and desist therefrom; and the [director] **attorney general** may bring an action in a court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with this chapter or any rule adopted or order issued under it[, or he may refer the matter to the attorney general or the county attorney of the appropriate county]. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order and may order rescission of any sales or purchases of securities determined to be unlawful under this chapter, or any rule adopted or order issued under it. The court may not require the [director] **attorney general** to post a bond.

56 Criminal Penalties. Amend RSA 421-A:13 to read as follows:

421-A:13 Criminal Penalties.

I. Any person who violates RSA 421-A:3 or any rule adopted under it, or any order of which he has notice, or who willfully violates RSA 421-A:7, 8 or 11 or any rule adopted or order issued thereunder, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned more than 6 years after the alleged violation.

[II. The director may refer such evidence as is available concerning violations of this chapter or of any rule adopted or order issued hereunder to the attorney general or the county attorney of the appropriate county who may, with or without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a county attorney, he shall within 90 days file with the director a statement concerning any action taken or, if no action has been taken, the reasons therefor.]

[III.]II. Nothing in this chapter shall be construed to limit the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

57 Definitions; Attorney General; Department. RSA 421-B:2, IV and V are repealed and reenacted to read as follows:

IV. "Attorney general" means the attorney general or delegee.

V. "Department" means the department of justice.

58 Definition; Reference Change. Amend RSA 421-B:2, II(d) to read as follows:

(d) Effecting other transactions, if such individual is an officer or director of the issuer, no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, and upon application, such individual is specifically authorized by name in an order issued by the [director] **attorney general**; or

59 Licensing Procedure. Amend RSA 421-B:7, I to read as follows:

I. A broker-dealer, agent, or investment adviser may obtain an initial or renewal license by filing with the [director] **secretary of state** an application together with a consent to service of process pursuant to RSA 421-B:30, VII. The application shall be on a form prescribed by the [director] **attorney general** and shall contain whatever information the [director] **attorney general** requires concerning such matters as, but not limited to, the applicant's form and place of organization; the applicant's proposed method of doing business; the qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee; any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and the applicant's financial condition and history. The [director] **secretary of state** may by rule or order require an applicant for initial license to publish an announcement of the application in one or more specified newspapers published in this state. If no denial order is in effect and no proceeding is pending under RSA 421-B:10, licensing becomes effective at noon of the thirtieth day after an application is filed. The [director] **secretary of state** may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after filing of any amendment.

60 Post-Licensing Provisions. Amend RSA 421-B:8, I-VII to read as follows:

I. Every broker-dealer or issuer-dealer doing business in this state unless otherwise directed shall, within 60 days after the close of the fiscal year, make and transmit to the [director] **secretary of state** a filing under oath of its chief managing officer showing or providing the financial statement, changes in management, changes in ownership, and any significant changes in the method of doing business for the preceding fiscal year. Said filing shall include statements or periodic reports filed with any regulatory, state or federal authority or exchange if so directed by order or rule of the [director] **attorney general**.

II. The [director] **secretary of state** may extend the time for filing such statement for cause shown for a period of not more than 60 days. A broker-dealer or issuer-dealer intentionally failing to file its annual statement as required by paragraph I shall forfeit to the [office] **state** \$25 for each day of delinquency. The [director] **secre-**

tary of state may refuse to continue, or may suspend or revoke, the license of any broker-dealer or issuer-dealer intentionally failing to file its annual statement when due.

III. In addition to the above, the [director] **attorney general** may require at any reasonable time and in any reasonable manner from any person or company subject to this chapter:

(a) Statements, reports, including reports audited by independent public accountants, answers to questionnaires and other information, and evidence thereof, in whatever reasonable form he designates, and at such reasonable intervals as he may choose, or from time to time;

(b) A full explanation of the programming of any data storage or communications systems in use; and

(c) Information from any books, records, electronic data processing systems, computers or any other information storage system.

IV. The [director] **attorney general** may prescribe forms for the reports under paragraph III. The forms shall be consistent, as far as practicable, with those prescribed by other states.

V. Any officer, manager or agent of any broker-dealer or issuer-dealer authorized to do or doing securities business in this state, and any person controlling or having a contract under which he has a right to control such a broker-dealer or issuer-dealer, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a broker-dealer's or issuer-dealer's affairs, shall reply promptly in writing or in other designated form, to any written inquiry from the [director] **attorney general or secretary of state** requesting a reply.

VI. The [director] **attorney general or secretary of state** may require that any communication made to him under this section be verified.

VII. In the absence of actual malice, no communication required by the [director] **attorney general or secretary of state** under this section shall subject the person making it to an action for damages for defamation.

61 Post-licensing Provisions. Amend RSA 421-B:9, V(b) to read as follows:

(b) If so requested by the person examined, within the period allowed under subparagraph V(a), or if deemed advisable by the [director] **attorney general** without such request, the [director] **attorney general** shall hold a closed hearing relative to the report and shall not file the report in the [office] **department** until after such closed hearing and his order thereon; except, that the [director] **attorney general** may furnish a copy of the report to the governor[, attorney general] **secretary of state** or state treasurer pending final decision thereon.

62 Suspension or Revocation of Application. Amend the introductory paragraph of RSA 421-B:10, I to read as follows:

I. The [director] **attorney general, on his own motion, or upon the recommendation of the secretary of state**, may by order deny, suspend, or revoke any license or application if he finds:

63 Registration by Coordination. Amend RSA 421-B:13, I-a to read as follows:

I-a. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 304-B, or an application for registration of a foreign partnership under RSA 305-A, the following requirements shall be met:

(a) Along with a \$50 filing fee, a statement shall be filed with the [director] **secretary of state** that the capital stock of the corporation or the interests of the limited partnership have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter; and, in the case of a New Hampshire corporation or limited partnership, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership will be sold or offered for sale within the meaning of this chapter.

(b) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, or by the general partners or intended general partners if a limited partnership.

[(b) The director shall certify to the secretary of state that the requirements of subparagraph (a) have been met.]

64 Registration by Coordination. Amend RSA 421-B:13, III-VII to read as follows:

III. A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied:

(a) No stop order is in effect and no proceeding is pending under RSA 421-B:16;

(b) The registration statement has been on file with the [director] **secretary of state** for at least 20 days; and

(c) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for 2 full business days or such shorter period as the [director] **secretary of state** permits by rule or otherwise and the offering is made within those limitations.

IV. The [director] **attorney general** may by rule or otherwise waive either or both of the conditions specified in subparagraphs III(b) and (c).

V. The registrant shall promptly notify the [director] **secretary of state** by telephone, telegram, or similar means of communication of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

VI. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the [director] **secretary of state** may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until there is compliance with this section, if he promptly notifies the registrant by telephone, telegram, or similar means of communication, and promptly confirms by letter or telegram when he notifies by telephone of the issuance of the order. If the registrant proves compliance with the requirements of this section as to notice and post-effective amendment the stop order is void as of the time of its entry.

VII. If the federal registration statement becomes effective before all the conditions in this section are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all of the conditions are satisfied. If the registrant advises the [director] **secretary of state** of the date when the federal registration statement is expected to become effective, the [director] **secretary of state** shall promptly advise the registrant by telephone, telegram, or similar means of communication, at the registrant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under RSA 421-B:16; but this advice by the [director] **secretary of state** does not preclude the institution of such a proceeding at any time.

65 Registration by Qualification. Amend RSA 421-B:14, III to read as follows:

III. A registration statement under this section becomes effective when the [director] **secretary of state** so orders.

66 Registration; Generally. Amend RSA 421-B:15 to read as follows:

421-B:15 Provisions Applicable to Registration Generally.

I. A registration statement may be filed **with the secretary of state** by the issuer, any other person on whose behalf the offering is to be made, or a licensed broker-dealer.

II. Every registration statement shall specify:

- (a) The amount of securities to be offered in this state;
- (b) The states in which a registration statement or similar document in connection with the offering has been or is to be filed; and
- (c) Any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

II-a. Every corporation and partnership having securities registered in this state shall, within 90 days after the close of their fiscal year, file with the [director] **secretary of state** annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the [director] **attorney general** shall adopt by rule. Issuers of securities registered under this chapter shall also provide quarterly financial reports within 60 days of the end of each quarter to their shareholders, partners, and the [director] **attorney general**. Such quarterly reports need not be independently audited.

III. Any document filed under this chapter or a predecessor chapter within 5 years preceding the filing **with the secretary of state** of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

IV. The [director] **attorney general** may by rule or otherwise permit the omission of any item of information or document from any registration statement.

V. The [director] **attorney general** may by rule or order require as a condition of registration by qualification or coordination:

(a) That any security issued within the past 3 years or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow; and

(b) That the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere.

VI. The [director] **attorney general** may by rule or order determine the conditions of any escrow or impounding required under this section, but he may reject a depository solely because of location in another state only if the offering is not being registered under the Securities Act of 1933 and the principal place of business of the registrant is in this state.

VII. The [director] **attorney general** may by rule or order require as a condition of registration that any security registered by qualification or coordination be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the [director] **secretary of state** or preserved for any period up to 3 years specified in the rule or order.

VIII. Every registration statement shall be effective, for the purpose of any non-issuer distribution until withdrawn, suspended or revoked. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction so long as the registration statement is effective. A registration statement may not be withdrawn for one year from its effective date if any securities of the same class are outstanding.

IX. So long as a registration statement is effective, the [director] **attorney general** may by rule or order require the person who filed the registration statement to file **with the secretary of state** reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement, to disclose the process of the offering and the use of any proceeds received from the offering, and to submit reports of sales. The [director] **attorney general** may by rule or order require that the issuer distribute annual reports to its shareholders.

X. A registration statement relating to a security issued by a face amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the [director] **attorney general** so orders.

XI. So long as a registration statement is effective the [director] **attorney general** may require an issuer to file **with the secretary of state** an annual report in such form as the [director] **attorney general** by rule prescribes. Failure to file the annual report within 30 days after its request may be deemed a request for withdrawal.

XII. No registration shall be deemed to be filed **with the secretary of state** until the fee established pursuant to RSA 421-B:31 has been paid.

67 Suspension or Revocation of Registration. Amend the introductory paragraph to RSA 421-B:16, I to read as follows:

I. The [director] **attorney general, on his own motion, or on the recommendation of the secretary of state,** may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds:

68 Misleading Filings: Amend RSA 421-B:19 to read as follows:

421-B:19 Misleading Filings. It is unlawful for any person to make or cause to be made in any document filed [with the director] **under this chapter** or in any proceeding under this chapter any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect or, in connection with such statement, to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

69 Reference Change; Unlawful Representations. Amend RSA 421-B:20, I to read as follows:

I. Neither the fact that a registration statement or an application for a license has been filed **under this chapter** with the state of New Hampshire nor the fact that a security is effectively registered or a person is licensed in the state of New Hampshire constitutes a finding by the [director of the office of securities regulation] **attorney general or the secretary of state** that any document filed under RSA 421-B is true, complete and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the [director of the office of securities regulation] **attorney general** has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with the provisions of this paragraph.

70 Administration. RSA 421-B:21 is repealed and reenacted to read as follows:

421-B:21 Administration.

I. This chapter shall be administered by the attorney general, with the assistance of the secretary of state who shall receive and maintain all documents which are required to be filed under this chapter. The secretary of state shall, to the greatest extent practical, physically and substantively consolidate the activities and functions related to corporations, limited partnerships, and other business organizations and entities administered by the department of state with the activities and functions related to the registration of securities which are performed by the attorney general and secretary of state under this chapter.

II. The attorney general shall have all powers specifically granted or reasonably implied in order to perform the substantive responsibilities imposed by this title, and may, by rule, after consultation with and approval from the secretary of state, impose duties upon the secretary of state with regard to the receipt, maintenance and review of documents required to be filed under this chapter and the coordination of activities between the department of justice and the office of secretary of state.

III. It is unlawful for the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state to use for personal benefit any information which is filed with or obtained by the attorney general or the secretary of state and which is not made public. No provision of this chapter authorizes the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state.

71 Judicial Review. Amend RSA 421-B:27 to read as follows:

421-B:27 Judicial Review of Orders. Requests for rehearings and appeals from orders of the director shall be governed by RSA 541 and by the rules adopted by the [director] **attorney general** pursuant to title [XXXVII] **XXXVIII** and RSA 541-A.

72 Administrative Files and Opinions. Amend RSA 421-B:29 to read as follows:

421-B:29 Administrative Files and Opinions.

I. A document is filed when it is received by the [director], **secretary of state**.

II. The [director] **secretary of state** shall keep a register of all applications for licensing and registration statements which are or have ever been effective under this chapter and all denial, suspension, or revocation orders which have been entered under this chapter. The register shall be open for public inspection.

III. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the [director] **attorney general** adopts pursuant to RSA 541-A.

IV. Upon request and at such reasonable charges as he prescribes, the [director] **secretary of state** shall furnish to any person photostatic or other copies, certified under his seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this chapter any copy so certified is prima facie evidence of the contents of the entry or document certified.

73 Service of Process; Rules. Amend the introductory paragraph of RSA 421-B:30, VII to read as follows:

VII. Every applicant for licensing under this chapter and every issuer who proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file with the [director] **secretary of state**, in such form as he prescribes by rule, irrevocable consent appointing the [director or his successor in office to be his attorney] **secretary of state** to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the [director] **secretary of state** along with \$5, but it is not effective unless:

74 Reference Change; Service of Process. Amend the introductory paragraph of RSA 421-B:30, VIII to read as follows:

VIII. When any person, including any nonresident of this state engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, and he has not filed a consent to service of process under paragraph VII and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the [director or his successor in office to be his attorney] **secretary of state** to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor, executor, or administrator which grows out of that conduct and which is brought under this chapter or any rule or order under this chapter, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process along with \$5 in the office of the [director] **secretary of state**, and it is not effective unless:

75 Change from "Director" to "Attorney General". Amend the following RSA provisions by replacing "director" with "attorney general":

I. RSA 421-A:3; 421-A:4, X; 421-A:5; 421-A:6; 421-A:8; 421-A:9; 421-A:11, II, III; 421-A:12.

II. RSA 421-B:2, III(e); 421-B:2, IX(i); 421-B:2, X, XI; 421-B:4, II, III; 421-B:6, II; 421-B:7, III-VI; 421-B:9, I-III; 421-B:9, V(a); 421-B:9, V(c)-(e); 421-B:9, VI-VIII; 421-B:10, I(b)(5), (8), (11), (13); 421-B:10, II-VI; 421-B:12; 421-B:13, II; 421-B:14, II, IV; 421-B:16, I(b)(3), (7), (10), (11); 421-B:16, II-IV; 421-B:17; 421-B:18; 421-B:22; 421-B:23; 421-B:25, VIII; 421-B:26; 421-B:28; 421-B:30, VII(a); 421-B:30, VIII(a); 421-B:30, IX; 421-B:31, III.

76 Change from "Office" to "Department." Amend the following RSA provisions by replacing "office" with "department": RSA 421-A:9, I; 421-A:12, II; 421-B:9.

77 Transitional Rules. The rules of the office of securities regulation in effect immediately prior to July 1, 1991, shall continue in effect until the attorney general adopts rules, pursuant to RSA 541-A, to implement the provisions of this act; provided that such rules shall be adopted by the attorney general no later than July 1, 1993. In administering the existing rules of the office of securities regulation, the attorney general may allocate responsibilities between the department of justice and the department of state in accordance with the provisions of this act.

78 Salaries Eliminated. Amend RSA 94:1-a, I, group O by deleting the following:

I. Director of the office of securities regulation.

II. Chief investigator, office of securities regulation.

III. Administrator of the office of securities services, office of securities regulation.

IV. Administrator of the bureau of securities filings, office of securities regulation.

V. Administrator of the bureau of securities audits and examinations, office of securities regulation.

79 Repeal. The following are repealed:

I. RSA 400-A:40-66, relative to the office of securities regulation.

II. RSA 421-B:24, III, relative to criminal penalties.

80 Transfer of Personnel and Office Equipment. The office equipment, files, and personnel holding class 10 positions within the office of securities regulation are hereby transferred to the department of justice.

81 Jurors' Fee Reduced. Amend RSA 500-A:15, I to read as follows:

I. Grand and petit jurors' fees and mileage shall be paid by the state. The jurors' fees shall be [\$15] \$10 for each half day's attendance before a superior court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of \$.20 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which he resides.

82 New Section; Indemnification of Chief Medical Examiner. Amend RSA 611-A by inserting after section 11 the following new section:

611-A:12 Indemnification of Medical Examiner. The provisions of RSA 99-D shall apply to the chief medical examiner and any other medical examiner employed in the office of the chief medical examiner for claims arising from the scope of their official duties, includ-

ing, but not limited to, the practice of forensic pathology and the practice of clinical forensic medicine.

83 New Position Established. There is hereby established the classified position of diener within the office of the chief medical examiner at labor grade 18.

84 Transfers Within PAU; Indigent Defenders. Notwithstanding RSA 9:16-a, the executive director of the judicial council, after certification to the commissioner of administrative services that transfers are necessary to carry out the functions of indigent defense, is authorized to transfer funds within PAU 01, 04, 01, 02, 04, indigent defenders.

85 Loss of Taxes. The commissioner of revenue administration shall compute the payment for lost taxes under RSA 219:32 as follows:

I. Add together the high and low value in the highest range of values within the forest land category, as set by the current use advisory board pursuant to RSA 79-A, then divide by 2 to arrive at the per acre value;

II. Multiply the per acre value by the number of acres on which application for loss of taxes is made, to arrive at the total assessment, to be further adjusted by the equalization ratio;

III Multiply the assessment by the local municipal tax rate to arrive at the payment due to the town, reduced in accordance with RSA 219:29, and adjusted for equity in accordance with RSA 219:33.

86 Appropriations to Department of Education. Any expenditure of sums appropriated to the department of education in this act or of any other sums appropriated to the department of education for the biennium ending June 30, 1993, shall be made only by or with the approval of the commissioner of education.

87 Revenue Sharing Distributions.

I. In lieu of sums appropriated in HB 25-A, section 1, PAU 01, 08, 04, the following amounts are hereby appropriated for revenue sharing: \$31,444,966 for fiscal year 1992, \$51,444,966 for fiscal year 1993, and \$71,444,966 for fiscal year 1994.

II. Notwithstanding any other provision of law, for rate setting purposes, any city or town shall include as part of its revenue sharing distribution in each fiscal year the revenue sharing distribution installment as if the 3 appropriations in paragraph I were \$51,444,966 each fiscal year.

III. For each fiscal year the commissioner of revenue administration shall recognize said inclusion for purposes of his establishment and approval of the tax rate for such city or town, pursuant to RSA 21-J:35.

IV. The governing body of any city or town is authorized for each fiscal year to issue revenue anticipation notes in an amount not to exceed the amount equal to the inclusion and the maturity date of which is the date of the receipt of the next fiscal year payment.

V. The department of revenue administration, in conjunction with the state treasurer, shall utilize the current process for calculation and distribution and shall insure that the original calculations of the receivable shall be used when the receivable is paid.

88 Contingency. If HB 25-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993, becomes law, section 87 of this act shall take effect at 12:01 a.m. on July 1, 1991. If HB 25-A does not take effect, section 87 of this act shall not take effect.

89 Positions reclassified. Notwithstanding any law, rule, or executive order to the contrary, the following positions within the multiple offender program and funded in PAU 05, 01, 01, 03, 07 are hereby reclassified:

I. Position number 19048 is reclassified from substance abuse counselor II, labor grade 15, to cook II, labor grade 8.

II. Position number 19049 is reclassified from substance abuse counselor II, labor grade 15, to cook I, labor grade 7.

III. Position number 19034 is reclassified from substance abuse counselor I, labor grade 13, to dormitory supervisor, labor grade 7.

90 New Paragraph; Borrowing Authority; Pease Development Authority. Amend RSA 12-G:27 by inserting after paragraph II the following new paragraph:

III. In lieu of a state guarantee under this section, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding the total state bond guarantee authorized in RSA 12-G:27, I to make a loan or loans to the authority for the purposes of this chapter, and issue general obligation bonds or notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal of and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority. The principal amount of bonds of the authority that may be guaranteed by the state under paragraph I of this section shall be reduced by the amount of bonds issued by the state under this paragraph.

91 New Section; Annual Operating Budget; Quarterly Reports. Amend RSA 12-G by inserting after section 27 the following new section:

12-G:27-a Annual Operating Budget; Bonding; Quarterly Reports.

I. The board shall approve and submit an annual operating budget to the fiscal committee and the governor and council.

II. The issuance of bonds under 12-G:27, III to pay operating costs of the authority which are not included in the annual operating budget shall be subject to the approval of the fiscal committee and governor and council.

III. Until such time as the authority is self-funding, the board shall submit quarterly financial reports on its revenues and expenditures to the governor, the senate president, and the speaker of the house.

92 Appropriation; Operating Budget; Pease Development Authority. The sum of \$929,584 is appropriated to the Pease development authority for the fiscal year ending June 30, 1992, for the purpose of paying the following expenses of the authority for fiscal year 1992:

10 Personal Services — Permanent	\$455,464
20 Current Expenses	40,900
30 Equipment	36,000
60 Benefits	105,220
70 Out-of-State Travel	27,000
90 Consultants	265,000
Total	\$929,584

Estimated source of funds for Pease

Development Authority

09 Agency Income	\$929,584
Total	\$929,584

93 Bonds Authorized. To provide funds for the appropriation made in section 92 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$929,584 and for said purpose may issue general obligation bonds or notes in the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

94 Declaration of Purpose; Review of Operations of State Government.

I. The general court finds that from time to time the budget process should be augmented by a thorough review of government operations undertaken in partnership with the private sector in order to achieve efficiencies and economies.

II. The general court recognizes that a review of the operations of state government to identify efficiencies and economies which can be achieved by structural or operational changes should be conducted during the 1992-1993 biennium. The general court further

recognizes that the participation of individuals from the private sector with appropriate knowledge, skills and experience will further the success of this undertaking.

95 Task Force on Government Operations Established; Membership; Duties and Responsibilities; Reports.

I. There is hereby established the task force on government operations which shall consist of public members appointed jointly by the governor, president of the senate and speaker of the house in numbers they deem appropriate. Members of the committee shall serve without compensation.

II. A member of the task force shall not use his office for personal gain or act in manner to place a private interest in conflict with the public interest. A member shall abstain from voting on matters in which he has a financial interest, whether personally or through a spouse or dependent. If in doubt, he may submit a written request for advice to the attorney general, who shall make a ruling as to whether he may vote on a matter.

III. The task force on government operations shall review aspects of government operations including, but not limited to, the following: purchasing; space, both owned and leased; communications, including telephones, mailing and printing; property and equipment other than real estate; asset management; and organization.

IV. The task force on government operations shall make recommendations about, but not limited to, the following aspects of government operations: purchasing equipment and supplies; contracting for services; managing capital assets; and organizing human resources.

V. The task force on government operations shall have the authority to compel the cooperation of department heads and the production of documents necessary to carry out its objectives, except when such requests would be inconsistent with state law.

VI. The task force on government operations shall prepare an interim report and submit it to the governor, the speaker of the house, and senate president no later than November 1, 1991, and submit a final report to the governor, the speaker of the house, and senate president no later than June 30, 1992.

96 Contingent Repeal. If SB 210-FN-A, "An act relative to drugged driving and making an appropriation therefor," becomes law, sections 1-4 of SB 210-FN-A shall not take effect.

97 Effective Date.

I. Section 83 of this act shall take effect November 1, 1991.

II. Section 87 of this act shall take effect as provided in section 88 of this act.

III. Section 88 of this act shall take effect upon its passage.

IV. Section 96 of this act shall take effect June 30, 1991.

V. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill abolishes the office of securities regulation. It makes the attorney general responsible for the enforcement of the securities laws and gives the secretary of state responsibility for securities filings and related administrative duties.

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Establishes a method for computing payment for lost taxes under RSA 219:32.

(3) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(4) Reduces jurors' fees.

(5) Increases fees for birth registration cards and for copies and verifications of vital records.

(6) Exempts the school improvement program from competitive bidding.

(7) Repeals SB 210-FN-A, "An act relative to drugged driving and making an appropriation therefor", if it becomes law.

(8) reclassifies certain positions in the multiple offender program.

(9) Authorizes the division of public health services to impose administrative fines for violations of public health laws and authorizes the commissioner of health and human services to charge a reasonable sum for copying costs of documents. Moneys so collected would be deposited in a special fund and would be continually appropriated.

(10) Gives state police employees the authority to detect and apprehend suspected DWI offenders on numbered state highways, except in towns with a population of over 3,000 where the chief of police has filed a notification with the director of the division of state police that such authority is solely within the jurisdiction of the local police. This bill also grants state police employees the jurisdiction to make arrests for suspected drug violations within localities, provided that they notify the local police department and cooperate with local authorities in the investigation.

(11) Establishes a state vital records improvement fund.

(12) Requires approval of the commissioner of education for any department of education expenditures.

(13) Provides for indemnification of the medical examiner.

(14) Increases the fee for elevator inspection certificates and repeals the boiler and elevator inspection fund.

(15) Changes the salary of the secretary of the New Hampshire retirement system from group M to group O.

(16) Establishes a new unclassified position of chief operations officer in the department of environmental services.

(17) Makes a bonded appropriation to the Pease development authority for its operating expenses for fiscal year 1992.

(18) Makes special provision for revenue sharing distribution in fiscal years 1992-94.

Amendment Adopted.

PRESIDENT DUPONT: You have before you Senate Amendment #3114L, which myself and the Seacoast Senators have worked hard on reaching a compromised position on the funding of the Pease Development Authority. We have put some specific language in HB 65 that deals with the process by which the PDA will receive funds from the state of New Hampshire. This is one of those that is an investment in New Hampshire's future. We have talked about economic development, the importance of Pease, and the great hope that all of us have concerning Pease Air Force Base, and the redevelopment of Pease. This appropriates \$2.8 million which includes money to operate the PDA for the next year, to take over the maintenance of the facility, sewer, water and all of those other things that need to be dealt with. To do a traffic study for \$400,000 that deals with Seacoast area traffic concerns as a result of the redevelopment of Pease, to deal with the environmental hurdles that are now before the PDA, so that the significant money that is going to be expended for consultants and environmental assessments of Pease. This is the package that moves Pease forward.

SENATOR COLANTUONO: Senator Dupont, how much is being appropriated for Pease in 25?

PRESIDENT DUPONT: One dollar each year. I think that they have already spent it.

SENATOR COLANTUONO: Does this represent their entire budget?

PRESIDENT DUPONT: This would represent their budget. I would assume that based on how the environmental work goes, that there could I assume, be the potential, also depending on how their agreements work out with the major client that they are working

with that they could be before us again next year. The issue is that they have the ability to go out and float bonds to do this; however, because of the fact that they don't have revenue at the present time, it's being done and paid for by the state rather than the PDA.

SENATOR COLANTUONO: Thank you.

SENATOR ST. JEAN: Senator Dupont, you mentioned for the \$2.8 million that we are appropriating now, a number of things that they intend to do with the money. But as I read 3114L, it doesn't say anything of what they are going to do with the money. I mean, how are we to believe that for the \$2.8 million that they are going to do anything with the money?

PRESIDENT DUPONT: Senator, if you would give me a minute, I will pull the specific language out of 65 that requires them to submit a budget to the legislature that gives them the same requirements that other agencies have to comply with. So they would be required, as I understand it, I would have to get that language and take a look at it, that what we discussed is putting the oversight in that is necessary. They show that the board shall approve and submit an annual operating budget to the Fiscal committee and the Governor and Council, the issuance of bonds to pay operating cost which are not included in the annual operating budget shall be subjected to approval of the Fiscal committee, Governor and Council, until such time as the authority is self funding, the board shall submit quarterly financial reports on its revenues to the Governor, the Senate President, and the Speaker of the House.

SENATOR ST. JEAN: Thank you.

SENATOR SHAHEEN: I will be brief. I just want to say that I think that what we have done in terms of establishing an oversight for the Pease Development Authority is very critical. It makes them accountable to this legislature, and that is the way it ought to be. The one thing that I would like to ask is that when the Fiscal committee gets ready to review their budget, that they do it in an open forum so that it is public and the public has access to that information. Because I think that is one of the concerns that has existed for some time, relative to how the PDA is spending their money. Let's open up the process and make sure that the public is aware of it.

Senator Dupont offered a floor amendment.

Floor Amendment to HB 65-FN-A

Amend the bill by replacing sections 92 and 93 with the following:

92 Appropriation; Pease Development Authority. A sum not to exceed \$2,800,000 is appropriated to the Pease development authority for its operating budget for the fiscal year ending June 30, 1992,

upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee.

93 Bonds Authorized. To provide funds for the appropriation made in section 92 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$2,800,000 and for said purpose may issue general obligation bonds or notes in the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

Floor Amendment Adopted.

SENATOR HOLLINGWORTH: If I can ask for your attention. This is a really confusing issue for me and it's late and I need to try and explain to you what has gone on here. This morning when I arrived and we had all the things in front of us, I briefly was brought aware to the fact that on page 17 of our calendar, which addresses the amendments. I discovered at the bottom of page 17, number 87, Revenue Sharing Distribution. And what I discovered was that we were borrowing from the cities and towns, \$20,000,000 in the year 1992. That we were not paying them back until the year 1994. You can guess that I was not too thrilled. What I did was to try and see if we couldn't restore that level funding and to try to find out a little bit more about how that happened. And what we came to and I worked with Maura from the county and she got some have the history. And what happened apparently, is this: in HB 25 the Senate would have appropriated, would have taken 15 million from the cities and towns. But they wouldn't have given the protection to them of authorizing the town to use the revenue as anticipated notes so that it would not hurt their tax rate. Can I please ask you, Senators, if you would listen? I think that this is important, and I want you to know what you are voting on, because I do not want anyone to be voting on this unless they are clear in what this is doing. This 87 in here, strikes out our actions in 25. Now, I thought I was doing a good thing when I went to Finance and I went to Ed Dupont and argued to change the money so that it was refunded within our own biennium. So that the \$20,000,000 that we were borrowing in 1992 was paid back in 1993 and not in 1994, which would mean that we were borrowing it for a whole year, rather than for 7 months. It would mean that was another legislature body that would be taking the money, that would be given the money. And my belief, we can't ask another legislature to repay money that we have borrowed unless they agree to do so, and they can't because it is into the future. So we agreed that we would pay it back in the year 93, and if for some horrible reason that

the state didn't have the wonderful recovery and have the money to pay it back, that they would be authorized to bond that \$20,000,000 so that there was no question that the towns and cities would get it. But herein lies the dilemma. The House sent over to us not appropriations for revenue sharing, borrowing \$5,000,000 for a year, but they didn't give the tax advantage to them. The Governor originally suggested \$5,000,000, then he suggested another \$10,000,000. So we in our actions in 25, took 15 million, but none of those that I have mentioned prior gave the tax break. This one takes \$20,000,000, which I wish if I had my druthers, what I would be standing here today and telling you that we should be taking nothing from the cities and towns, nothing. Because that is what I stood here earlier and said we were doing. But what we are doing, I guess, is borrowing for 7 months. But they are getting the full \$51,000,000 and they are going to be getting it in 1992 and 1993 and they are not going to be affecting their tax base. So I want you to be clear on what you are voting on here now, because it is a tough decision, and I don't want any of you to look at me tomorrow and say I didn't know that. Because I don't like it. But unfortunately, that is where we are at and I want you to know it, and if you know, you make the decision.

SENATOR CURRIER: I agree with Senator Hollingworth that this is a very important issue. And I am a little confused, and I would like to ask Senator Dupont, a question I believe with regards to . . . Are we, with this amendment, are we increasing it, the hit to the cities and towns to \$20,000,000 or is it really stabilizing what we actually did which is 15 before?

PRESIDENT DUPONT: Senator, it is a pleasure to be facing in this direction for a change, as all of my questions have been on that side of the room prior to this. As Senator Hollingworth and I had one of those arguments that went around in circles this morning for about 5 minutes over this issue, about the mechanics of how this would have worked. The Governor's suggestion was that you take \$5,000,000 from the first year and delay payment until the second year. That was obviously, prior to the time that our deficit that we presently, currently, are going to be operating under increased to the \$40,000,000 estimate that we are all talking about. Senate Finance put in the budget language that would have said on June 25 of next year or whenever, before the end of the fiscal year or when the second payment is due to the cities and towns, it would be delayed until after the state started its next fiscal year. But it would be paid. So then what would subsequently happen to that was the next payment would be made, and then the second payment would be delayed, which would put us into the following fiscal year, which would be 1994 as Senator Hollingworth indicated. The House and the Gover-

nor both agreed that they would pay the full amount the second year. So if the numbers \$51,000,000 and in the second year you would receive the full \$51 million. Under Senator Hollingworth's amendment what it says that if the state can't meet that obligation to the cities and towns then it pays the \$20,000,000 out by the bonding route. The original amount was 15 million.

SENATOR CURRIER: So voting for this bill guarantees that the cities and towns are going to get that 20 million bucks?

PRESIDENT DUPONT: Senator, I would assume that is the answer that you are looking for.

SENATOR HOLLINGWORTH: I would like to try and answer Senator Currier's question. If you look at the amendment, what we tried to do is build in a protection there and it says that in 1992 they are going to get 71 million. They are going to get their 51 that they should have got and the 20 million. And if for some reason we don't have 20 million, we authorize the state to bond that \$20,000,000 so that in 1993 they are going to get the \$71,000,000. The 20 that we borrowed from 92. And if that doesn't come to pass, then we had four amendments not to make it work.

SENATOR OLESON: I rise in support of the motion on the floor today over which is written in the amendment which I have in hand. If you will bear with me even though it is late at night and I will tell you why I like the amendment. Because I simply have come to the conclusion that I cannot cut belief, promises that have been made when it comes to regarding reimbursements to the towns. I hope that you will bear with me, because when I first came down, there was 50 percent of all the state revenues went back to the communities, and now it's less than 19 percent and the way that this amendment was written it is just another way in the back door to cut it even further. Back in 1972 that was when we incorporated the so-called BPT. When it came down they took 30 percent of my tax base away from me in Berlin and in Gorham and in Groveton, with the promise that they would be returned in full, plus 10 percent each year. The revenues didn't come in as much as expected, so they cut it back to 5 percent. Then when we were in difficulties, instead of living up to the promise that this 5 percent would come back to the communities, they flattened it out to zero, and that is the way it has been for the last decade. Each year the attempt has been made to meddle with the pawner. Twice I have been under this in the House where we have protected the present form of it, whereby my town of 3,000 people come \$400,000, bill them \$1,000,000 and a little town like Errol some \$9,000 dollars. But each year the attempt has been made to sweeten it out for some communities and take it away from

the communities which I happen to live in. When it said we would be denied another 20 million back to the communities, back to 31, from the 51.4 and then the next year come up to 51.4 again, and then in 1993 it would come to 73. I do not have a crystal ball and I do not look down the road another 2 years to see if that is going to be reimbursed at \$73,000,000. No doubt if we live under the 31 they will say well they survived so the heck with them and we will keep the sum at 31, I am anticipating it too. Are we saying that from 2 years from now the economy is going to be so well off that we can take and give back the \$20,000,000 that is being denied this year, but get it back in 73? Is this economy, can anyone guarantee it? Darn right you can't, and neither can I. This amendment levels it off at the present rate at 51.4. Under the amendment in here, it says that if we are denied the \$20,000,000 we have the authority to go out and bond it. Well bless their little hearts, isn't that wonderful? We can borrow and give the authority to buy to pick up deficits if you want. As I said again, Mr. President, I have been here a long time, I am getting a little bit tired of promises that have been broken, and broken, and broken again when it comes back to the benefit of a property owner. We have reached the limit. It isn't just taxes in New Hampshire. There isn't a politician that stands on his hind legs and says anything about it. But I am going to tell you that it isn't just taxes, it's maintenance. I, my wife and others, we nicked it and we dined it. When I worked for the good old wages which everybody thought was great, \$1 a day, driving a two-horse team, I used to save pennies to get what I got. And in America, we are supposed to be able if we keep our nose clean, and hard working, to be able to accumulate property and have it protected. Well there are two ways that you can take away a man's property and that is with a point of a gun and one through taxes, and boy we are doing a great job on both ends. Thank you. I say it again, I rise to keep this promise and pass this amendment. Thank you.

SENATOR MCLANE: Senator Hollingworth, I think you somewhat underestimate what you have done, and I think perhaps you have apologized too much. I think that you have done a damn good job. It seems to me that the cities and towns are in good shape out of this budget. The restaurants have paid and the real estators have paid, and everybody else has paid. It seems to me that the cities and towns in relation to what we promised them, the only thing that it is going to cost them is what it will cost to borrow that \$20,000,000, if they have to borrow it, before they get it. But you have guaranteed they are going to get it and I think that is a pretty good deal. I think that you should not so underestimate yourself, that you are worried about it.

SENATOR HOLLINGWORTH: Thank you very much, Senator McLane, I wish I could say it would be a good deal. The only good deal would be that we would not be in this position that we find ourselves, that we wouldn't even be taking one dime, for one day, from cities and towns, because that is what we have done for far too long. So I thank you for your kind words, but it doesn't make me feel any better.

SENATOR SHAHEEN: I have a question I assume of Senator Hollingworth, but perhaps whoever can answer it. Part 5, on page two, of this amendment. Can somebody explain to me exactly what that means?

SENATOR HOLLINGWORTH: I wish one of the people from LBA, because if I try to . . . section 5.

SENATOR HEATH: Senator, it's late, but let me see if I've got this straight. If we pass your amendment, the position of the state would be that we are borrowing this money from the towns, and if we don't get the money to return to them, we are going to borrow it through bonding and return it to them. If we don't fund this budget, then we are going to borrow money to pay back the people who we borrowed money from, pay back the towns that we borrowed money from. Is that essentially correct?

SENATOR HOLLINGWORTH: Senator Heath, I know you can read, and I know that you can hear, and I know that this is a late hour, and I know that you listened to it, and I know what you're attempting to prove with this. That this isn't the wonderful world that we want it to be. I can tell you that I am a Senator standing here that there isn't much of any of this that if we had alternatives, that the choices that we have before us would be different, but we don't. Unfortunately, we have not had the ability to make any kind of meaningful suggestions in many years in this process, and right now we can only take what we have on our plate. That means that we have to take what we have got on our plates and we have to balance this budget, unless we want to choose to be obstructionists and vote no on everything, and go home and not fund anything.

SENATOR HEATH: Senator Hollingworth, I guess one further question would be that, were you suggesting that if a person doesn't believe in this pyramid scheme that is being built here, that they are an obstructionist?

SENATOR HOLLINGWORTH: No, Senator, I saw a piece of legislation when I opened this today, and I read through it, and I talked to people who were in the counties. They told me that this was the best thing I could do with what I was able to achieve. They were

happy with it. At least they told me that they were happy with what I was suggesting, and what I was proposing. They could live with it. It was better than any of the other alternatives that were there. If you have a better suggestion or a better mouse-trap, Senator, I stand here willing to have you make that amendment.

SENATOR HEATH: Senator, would you believe that it is better, but not much better by the thinnest of margins?

SENATOR HOLLINGWORTH: Well, Senator, all that I can tell you is what they told me. They were happy with what this amendment would do. In fact, they helped me craft and draft it.

Senator Blaisdell has moved the question.

SENATOR J. KING: When it comes to Revenue Sharing, probably some of you know that it is one of my real concerns. I think that it is a shame that we are going to borrow from the cities and towns, where we got the monies from in the first place. My feeling is that if there is not a way of getting it, then we should take some from what we have and not take it from the towns. I agree with Beverly Hollingworth, that this is better than what was in the yellow sheet, much better. There is no guarantee. And I would probably be less hesitant to say this, but in looking over the past years, this philosophy has been used over and over again, and they are always, they give it to you to get the plan going, and then gradually they take it away from you, then they start a new plan and they do it again. But eventually, a good part, if not all of it, ends up in the states untill to pay their bills. My suggestion would be, my last place to take it would be take it away from the people that we owe it to and the cities and towns and have them raise the property tax so that we can pay our bills up here. We either pay our bills up here and give them what they have or find some other way of doing it.

Senator Blaisdell moved the question.

Adopted.

Senator Hollingworth offered a floor amendment.

Floor Amendment to HB 65-FN-A

Amend the bill by replacing section 87 with the following:
87 Revenue Sharing Distributions.

I. In lieu of sums appropriated in HB 25-A, section 1, PAU 01, 08, 04, the following amounts are hereby appropriated for revenue sharing: \$31,444,966 for fiscal year 1992 and \$71,444,966 for fiscal year 1993. In the event there is insufficient funding to pay the \$20,000,000 which was delayed from fiscal year 1992, the state treasurer is

hereby authorized to borrow upon the credit of the state in fiscal year 1993 a sum not to exceed \$20,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

II. Notwithstanding any other provision of law, for rate setting purposes, any city or town shall include as part of its revenue sharing distribution in each fiscal year the revenue sharing distribution installment as if the 2 appropriations in paragraph I were \$51,444,966 each fiscal year.

III. For each fiscal year the commissioner of revenue administration shall recognize said inclusion for purposes of his establishment and approval of the tax rate for such city or town, pursuant to RSA 21-J:35.

IV. The governing body of any city or town is authorized for each fiscal year to issue revenue anticipation notes in an amount not to exceed the amount equal to the inclusion and the maturity date of which is the date of the receipt of the next fiscal year payment.

V. The department of revenue administration, in conjunction with the state treasurer, shall utilize the current process for calculation and distribution and shall insure that the original calculations of the receivable shall be used when the receivable is paid.

Floor Amendment Adopted.

SENATOR FRASER: Mr. President, the floor amendment is #3147L. There are two substances of changes in 65, Mr. President. Number one, if you recall Senator Hough said that section three having to do with surgical benefits, I believe, was no longer necessary. The amendment addresses and deletes that from 65. Part two, in the very first paragraph, sections 53 through 80 and renumber this 4 through 52, has to do with what we did in 189 so far as securities are concerned. The rest of it is housekeeping, Mr. President, so far as preventing the necessity of enrolled bills to make these changes in numbering and effective dates and the like, and I urge the adoption of the amendment.

SENATOR DISNARD: My question, Senator Fraser, also pertains to Senator Hough, to some of the language that is in here, and part of the language which is on page 11 of the amendment. The question is, why do we exempt the School Improvement Program? It is a good program. I don't want to do away with the School Improvement Program. One of my questions of Senator Hough is, why on page 4, the last item, which in on page 11? Why are we exempting the School Improvement Program from competitive bidding? There must be a reason for it. Maybe special consultants or consultants that are merely available. When I see something that says that we eliminate competitive bidding, I get nervous.

SENATOR FRASER: Senator Disnard, if I understand the question, the amendment of 3147L addresses section 3 in the bill and sections 53 through 80. This amendment does not address section 4.

SENATOR DISNARD: So section 4 is still in effect?

SENATOR FRASER: Yes, sir.

SENATOR DISNARD: Well that was my question. Why do we exempt the School Improvement Program from competitive bidding?

Recess.

Out of recess.

Senator Disnard had withdrawn his question.

SENATOR OLESON: Senator Fraser, we just put an amendment on where our cities and towns would get their rightful distribution as far as the BPT concerns; however, on your amendment, the very last line on your amendment it says, makes special provisions for revenue sharing and distribution in fiscal years 1992 and 1994, is this duplication? Just what is it?

SENATOR FRASER: No, I will defer to Charlie. Senator, I believe that has to do with Senator Hollingworth's amendment that we just adopted.

SENATOR OLESON: So it's just . . .

SENATOR HOLLINGWORTH: But before I answer that let me talked to Charlie.

Recess.

Out of recess.

SENATOR FRASER: Yes, this addresses the amendment that we just adopted, Senator Hollingworth's amendment so far.

SENATOR OLESON: Thank you, Senator.

SENATOR HUMPHREY: I would like to speak, Mr. President, because I think that there is going to be an amendment to deal with this, but relative to the analysis, on page 4, of the floor amendment at the very bottom, number 6 exempts the School Improvement Program from competitive bidding. Well that isn't all this bill does. Where is that language . . . In that respect, it also, if you look at page 11 on the yellow calendar, it says in addition to exempting the School Improvement Program, it says, notwithstanding the provisions of 186:11, the commissioner shall have exclusive authority over expenditures of funds appropriated for the School Improvement Program. But 186:11 provides that the Board of Education will su-

pervise the expenditures of all monies appropriated for public schools. This goes far beyond simply exempting the School Improvement Program, it also takes the authority away from the Board of Education to supervise these funds which are some \$900,000 over the biennium; however, I think Senator Colantuono has an amendment to deal with the substance, I am just addressing what I think in this statement, or a vast understatement in the analysis. It does far more than the analysis would suggest.

SENATOR DELAHUNTY: The following amendment will address the issue.

SENATOR HUMPHREY: The substance, yeah.

SENATOR ROBERGE: Page 6, of the amended analysis #16, can somebody put a dollar amount, establishes a new unclassified position of Chief of Operations Officer in the Department of Environmental Services? Can you give me a labor grade or a figure?

SENATOR W. KING: Senator Roberge, would you please repeat your question?

SENATOR ROBERGE: Yes, either the labor grade or the salary for the Chief of Operations Officer in the Department of Environmental Services. Can you give me a dollar amount for that?

SENATOR W. KING: For the dollar cost in terms of our . . .

SENATOR ROBERGE: Salary, approximate salary amount, for that particular position. It doesn't list it. It doesn't even list the labor grade.

SENATOR W. KING: I don't have that information on me right now.

SENATOR ROBERGE: You can get it for me later. Just get it for me.

SENATOR W. KING: O.K., I will get that information for you, but let me tell you that what we did, was that the cost to the state into the general fund is \$6,000 because we eliminated another position that is vacant at the moment as a means of funding this position so that it was an additional burden to the general fund of \$5,000. But that puts this person, it fills a position that was absolutely necessary for us to fill, as a result of the audit that LBA did and the management report that was done at the Department of Environmental Services.

SENATOR ROBERGE: O.K.

Recess.

Out of recess.

PRESIDENT DUPONT: It appears that due to a problem in drafting, that the language that we adopted on Pease was correct, but this floor amendment that is now before us has original language that was put in by Senate Finance that is incorrect. What would need to be done is, that the incorrect section would need to be deleted. I fear that if I go down to Legislative Services and request to have that done, that this is getting so complicated now at this point in time, that what I would like to do is just request of the Chair if we could, that I could point out that section and have that deleted out when the final version of the bill is done, rather than having another amendment drafted?

SENATOR SHAHEEN: Senator Dupont, I don't have any problems with doing that with this particular section. I guess my concern is, given the confusion, relative to some of the other issues in this amendment; the question that I have is, whether we can be sure that the rest of it is what we think it is.

PRESIDENT DUPONT: Senator, I think that part of the problem, obviously, is that we came on the floor today with a number of bills that we knew we were going to have multiple amendments and I am trying to control the amending process, and that is one of the reasons that I used for trying to get the hearings out of the way last week where everybody would have an opportunity to bring this in so that we could do it in an orderly and correct fashion. So this is just a complicated process. I would suggest that if you would allow this change to take section #64 out, which is the incorrect section, then you would, well, I can't comment on the rest of it. I assume that we will take a look at it, and if there is anything of a major significance that needs to be changed, then we would have to bring it back before the body.

SENATOR DELAHUNTY: Senator Dupont has proposed that we take section #64 which is on page 2 and delete it from Senator Fraser's amendment.

Adopted.

Senator Fraser offered a floor amendment.

Floor Amendment to HB 65-FN-A

Amend the bill by deleting section 3 and sections 53-80 and renumbering sections 4-52 to read as 3-51 and sections 81-97 to read as 52-68.

Amend the bill by replacing section 68 with the following:

68 Authority to Adjust Operating Budget Amounts and Totals. The legislative budget assistant shall have the authority to make adjustments in amounts and totals in section 1 of HB 25-A of the 1991 legislative session made necessary by the passage of this act.

69 Effective Date.

I. Section 54 of this act shall take effect November 1, 1991.

II. Section 58 of this act shall take effect as provided in section 59 of this act.

III. Section 59 of this act shall take effect upon its passage.

IV. Section 67 of this act shall take effect June 30, 1991.

V. The remainder of this act shall take effect July 1, 1991.

Amend the bill by replacing section 18 with the following:

18 Statement of Purpose; Administrative Fines; Division of Public Health Services. The general court finds that the laws protecting the health of the public contain appropriate civil and criminal penalties but lack a mechanism to compel the earliest possible compliance necessary to protect the public while other sanctions are being pursued, or a mechanism to penalize infractions of such laws which do not warrant civil or criminal penalties. Therefore, the purpose of sections 19-46 of this act is to provide the division of public health services with the necessary tools, in the form of administrative fines, to fully protect the health of the public, while assuring restraint on the regulator through a scaling of fines and the availability of due process for the regulated.

Amend the bill by replacing section 59 with the following:

59 Contingency. If HB 25-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993, becomes law, section 58 of this act shall take effect at 12:01 a.m. on July 1, 1991. If HB 25-A does not take effect, section 58 of this act shall not take effect.

Amend the bill by replacing section 64 with the following:

64 Bonds Authorized. To provide funds for the appropriation made in section 63 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$929,584 and for said purpose may issue general obligation bonds or notes in the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

AMENDED ANALYSIS

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Establishes a method for computing payment for lost taxes under RSA 219:32.

(3) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(4) Reduces jurors' fees.

(5) Increases fees for birth registration cards and for copies and verifications of vital records.

(6) Exempts the school improvement program from competitive bidding.

(7) Repeals SB 210-FN-A, "An act relative to drugged driving and making an appropriation therefor", if it becomes law.

(8) Reclassifies certain positions in the multiple offender program.

(9) Authorizes the division of public health services to impose administrative fines for violations of public health laws and authorizes the commissioner of health and human services to charge a reasonable sum for copying costs of documents. Moneys so collected would be deposited in a special fund and would be continually appropriated.

(10) Gives state police employees the authority to detect and apprehend suspected DWI offenders on numbered state highways, except in towns with a population of over 3,000 where the chief of police has filed a notification with the director of the division of state police that such authority is solely within the jurisdiction of the local police. This bill also grants state police employees the jurisdiction to make arrests for suspected drug violations within localities, provided that they notify the local police department and cooperate with local authorities in the investigation.

(11) Establishes a state vital records improvement fund.

(12) Requires approval of the commissioner of education for any department of education expenditures.

(13) Provides for indemnification of the medical examiner.

(14) Increases the fee for elevator inspection certificates and repeals the boiler and elevator inspection fund.

(15) Changes the salary of the secretary of the New Hampshire retirement system from group M to group O.

(16) Establishes a new unclassified position of chief operations officer in the department of environmental services.

(17) Makes a bonded appropriation to the Pease development authority for its operating expenses for fiscal year 1992.

(18) Makes special provision for revenue sharing distribution in fiscal years 1992-94.

Division vote.

Yeas: 16

Nays: 7

Floor Amendment Adopted.

SENATOR COLANTUONO: I move the adoption of #3148L. This amendment deletes sections #51 and #85 which deal with education, #51 is the one that has been discussed, but no action has been taken on it. It provides that the School Improvement Program shall be implemented by the Commissioner of Education, essentially without any control, any statutory control by the Board of Education under RSA 186:11. Furthermore, it takes out or exempts the School Improvement Program from the competitive bidding process, neither of which I think are proper. Section #85, I'm sorry #86, no wait a minute. The amendment that we just passed would result in a numbering so that what is #86 in the yellow calendar, is now under the Senate position as #85. So that is correct. Tell me I am correct, Senator Fraser?

SENATOR FRASER: Yes, you are correct.

SENATOR COLANTUONO: Section #85 has some language which creates a special rule, not in statutory law, but simply in this bill which says that all sums appropriated to the department, all expenditures shall be made only by what the approval of the Commissioner of Education, which again cuts out the Board of Education's traditional and Statutory role. I am told by Senator King that this is a mistake and should come out anyway. But I am simply concerned that we should be upholding the Senate position where we have already restored the Rulemaking Authority and we have already restored in HB 25 the funding, the budget for the Board of Education. I think that we should be consistent and take out this language also.

SENATOR DISNARD: Senator Colantuono, would you believe that I have the same concerns that you have regarding the Commissioner of Education? I just wanted to make sure that we do not do away with the School Improvement Program. The School Improvement Program is a good program. I am just as concerned as you and other Senators, that the Finance committee isn't setting Educational policy without anyone being aware of it and taking away present rights of the state Board of Education in statute?

SENATOR COLANTUONO: Senator, the present law, #186:69, which sets up a School Improvement Program would stay in effect, even if we delete this language. Furthermore, under HB 25, as we

were looking up here, I believe that it is funded to the tune of \$450,000 per year, neither of which would be affected by this amendment.

SENATOR DISNARD: Would you believe that I accept it. But I just want to make sure we are not doing away with that program?

SENATOR HEATH: Senator Disnard, would you believe that I share your feelings and Senator King's and Senator Colantuono's? I think because I made an inquiry earlier that it is not Senate Finance's language. I share your respect for the educational policy being set by the Education Committee and support this amendment, but would you believe that this is something that came over from the House? This didn't happen in the Senate. I think that we should correct it, but it was not done by the Senate Finance committee.

SENATOR DISNARD: I apologize to the Senate Finance committee. When I am wrong, I am wrong. I am glad that you told me, because I would have put both my feet in my mouth if I were to continue.

SENATOR HOLLINGWORTH: Senator Colantuono, on 91 bond authorization, you say in accordance, the third line from the bottom, RSA 12-G:27 . . .

SENATOR COLANTUONO: Yes, could I address that?

SENATOR HOLLINGWORTH: Well if you would let me finish the question. This 12-G:27 is the Pease Development Authority and there is no section 3. There are 1 and 2, that is exactly why at this late hour we are all going a little crazy. Because you are talking about supposedly, something to deal with education and this is Pease Development Authority.

SENATOR COLANTUONO: Yes, I am sorry. I should have, I forgot to explain that. When they drafted this amendment, they created the same problem that we had in Senator Fraser's amendment which we just took care of. It is the exact same problem. They had to re-number #90 and #91, and now we have the correct number, but the language here has already been superseded by the Dupont amendment, and I would request that we treat this the exact same way that we just treated the last amendment. We did have Gloria, the Clerk, take care of it.

SENATOR RUSSMAN: Senator Colantuono, in your amendment you delete section 51 and 85. I am not sure why you're deleting 85, loss of taxes.

SENATOR COLANTUONO: Because the Fraser amendment, because it deleted section 3, renumbered everything to move back up, so that what is 86 in the yellow calendar, is now 85.

SENATOR RUSSMAN: O.K..

SENATOR HOLLINGWORTH: I think that this problem is totally getting out of hand. I don't think that just addressing one line is going to clean up the mess that these amendments have made. My father used to have an expression, "you don't want to know how they make bills, and how they make sausage". And right now, I think that we are making a little bit of both. I think that we have got to clean up these amendments before we move forward. There is no way that we should be voting on these the way that they are.

SENATOR ROBERGE: Senator Hough, I am concerned, and there is probably a good reason why we are accepting what TAPE INAUDIBLE.

SENATOR HOUGH: We are adding Administration and that is what I said before I started.

SENATOR ROBERGE: The other question is on top of page 5. I know that you briefly touched upon this subject, but I didn't hear what you said, all the words that you were saying at the time. I'm talking about the two-step salary increase for the Executive Director of the Retirement System, from group M to group O. A possible salary increase from \$49,200 to a \$55,800 and the rationale for that when we are trying to hold the lines on expenses?

SENATOR HOUGH: The salaries for the Administrative staff, of the New Hampshire Retirement System come out of the Administrative account of the New Hampshire Retirement System. There was an audit of the New Hampshire Retirement System, one of the exceptions in the audit is the lack of the New Hampshire Retirement System to have a highly skilled person in the agency. We established a position in the previous legislative session. When we did it we went virtually 18 to 24 months to file. We attracted the person to fill the job.

SENATOR ROBERGE: Who is it, do you know?

SENATOR HOUGH: I don't know. Mary Nelson is the Senate Representative in the New Hampshire Retirement Board. So the point is the Executive Secretary has the same class as this specialist person, okay?

SENATOR MCLANE: When it goes through the whole process of having to go to the communication PUC. It is about her sister next door. But it is a tax on those parts of your telephone bill that are over \$12.

SENATOR COLANTUONO: Senator McLane, you almost answered my question at the end, but under present law the telephone companies are going to be able to pass through this new tax 100

percent to their customers, so that in effect, the telephone customers will be paying this money?

SENATOR MCLANE: I think in all honesty, one might agree that that is what has happened. Far be it for me to tell you what the PUC is going to do, to be added. They are pretty sure that is what will happen. So I think in all honesty, that is a correct answer.

SENATOR COLANTUONO: To anyone. This is an important issue. I would like to know before we vote on it? Does anyone know the answer?

SENATOR MCLANE: You have a group of conservatives that don't like the School Improvement Program . . . I am trying to say that we have a School Improvement Program which is the only thing left that the state of New Hampshire is doing for public education compared to the 5 1/2 million dollars that we used to spend back in the days of John Sununu on school betterment. That program under Ellie Freedman is going forward, and is successful. This amendment was put in by the House because they believed in that program. You have an amendment now that is trying to undermine that program. I am saying that I believe in the School Improvement Program. I know it is funded, but I want it to be run properly, and if it is, I do not agree with the Colantuono amendment.

SENATOR HEATH: Senator McLane, am I one of the conservatives that you mentioned?

SENATOR MCLANE: I was speaking of Senator Colantuono. I don't believe that you have spoken on this or do I know how you are going to vote on this.

SENATOR HEATH: I have. Did you just a few minutes ago, say that the School Improvement Program was working wonderfully?

SENATOR MCLANE: Yes.

SENATOR HEATH: Do you understand that Senator Colantuono's amendment will leave it working the way that it is instead of changing the way that it will work?

SENATOR MCLANE: No, I don't. I realize that the funding of the program is one thing, but the approval of the Commissioner of Education or the approval of the State Board is what the issue is here.

SENATOR HEATH: That's right, but I go back to my question. Did you not represent that this was a program that was working wonderfully well?

SENATOR MCLANE: Exactly.

SENATOR HEATH: And do you not understand that the language in that bill if we don't remove it, it changes the way that program operates?

SENATOR MCLANE: I have been the recipient of a letter from a member of the State Board that is so critical of this program, that it is my impression that the program would function in a better fashion if the Colantuono amendment did not pass.

SENATOR HEATH: Is it your position then, that the program is not working well?

SENATOR MCLANE: My position is that it is working just fine now.

SENATOR HEATH: Senator, wasn't it you that raised the objection when Senator Humphrey started labeling individuals in here. Are you labeling conservatives as a generality, is this a new policy?

SENATOR MCLANE: I apologize if I have offended you in this fashion. I could find no other way to characterize those people who felt threatened by the School Improvement Program.

SENATOR CURRIER: Senator McLane, I am not sure if I am one of those conservatives, because I think that my vote would prove that not to be the case. But I am concerned that this amendment, which is coming from Senate Finance which was passed on by the House, is changing policy. It was a bill that we passed, actually we deleted the refrained, which was taking rulemaking authority from the State Board of Education and giving it to the commission. We have already debated that and we have already said that that wasn't what we thought it would do. Senator Colantuono's amendment basically takes out and leaves the status quo. It does not touch the School Improvement Program. Do you believe that?

SENATOR MCLANE: No, I don't. I feel that the amendment was sent over by the House and is in the best interest of the School Improvement Program. Because I support the School Improvement Program, I do not support the amendment as offered by Senator Colantuono.

SENATOR DISNARD: Senator McLane, would you believe that I am very pleased that you recognize me as a conservative? However, Senator, I am concerned that our present law gives the authority to the State Board to oversee expenditure of funds. I like the School Improvement Program, the Pilot Program in the United States. It is a good program and has improved schools. I am not one who wants to harm that program, but it is just a situation where who should have the authority under the law, the State Board or the Commissioner. That is my only concern.

SENATOR MCLANE: If you're asking a question of me, I am a recipient of a letter from a member of the State Board that was devastatingly critical of the School Improvement Program. So I believe that the amendment has passed on, it didn't come from Senate Finance, but passed on by Senate Finance, had as its origins, people who really cared about the School Improvement Programs, so that I am not in favor of the Colantuono amendment.

SENATOR DISNARD: I understand your concern, but regardless, I don't like the idea of changing statute because one or two individuals, because one or two of those individuals may not be. I don't think the department policy should be changed because one or two individuals may not be in favor with some people, including myself.

SENATOR MCLANE: I guess I am in favor of the program and I want to do what is best for it, and I don't think the Colantuono amendment does that.

PRESIDENT DUPONT: I understand the considerable amount of confusion that exists here about the amendments on this bill. At Gloria's suggestion, I asked her to go through and re-number and correct all of the amendments that have been passed on HB 65. So I would assume that by the time we get through debating HB 65, that we should be close to having a cleaned up copy of HB 65 for those who have concerns about the fact that some of the amendments were incorrectly notated when they came up to us. So that is just an attempt to try and resolve some of the concern that exists of what this bill will look like when we get done with it.

SENATOR DISNARD: Senator Dupont, I am trying to be polite, I am not trying to cause problems. Would it be realistic to stop the clock and come back on Monday? There is a lot of concern not only about one part, but both parties are concerned about some of the wording in here that we don't know or don't understand?

PRESIDENT DUPONT: Senator, I would assume that we would have to come back in on Friday, not Monday. I understand that people have plans for both Friday and Monday. The House would like to schedule a Committee of Conference on Tuesday. It is imperative that we get this legislation out of here tonight. As I recollect, also, not being a golfer, that Monday is a Senate Golf event. I am a fisher, too George, so it would have to be Friday that we would have to come back in. I believe that once we get through HB 65, there is just a couple of others that we have to deal with, and, George, I'm as tired as you are.

SENATOR W. KING: I rise in opposition to the Colantuono floor amendment. I am prepared after its defeat to offer an amendment to strike section #86 or #85, I suppose as it is renumbered. Because

that was indeed a mistake on page 17, but the issue on page 11 is a little different. Let me just try and explain to the members of the Senate where Senate Finance was coming from. Now Senator Heath has told you this amendment came over to us from the House. When we addressed this issue, it was just after the whole hubub that had occurred in this Senate over the Rulemaking Authority of the Commissioner of The Department of Education. Senator Hough made the case to us and I thought that it was wise counsel, and made the case to us that we in Senate Finance, ought not be taking a position on that debate. That we needed to restore the money that the House cut from the budget for the State Board of Education, which we did. We needed to restore the dollars for the School Improvement Program and isolate the School Improvement Program from that political debate that was going on. So if anyone thinks that there is anything underhanded that happened in this amendment, I am here to tell you that the reason that we adopted this amendment was in fact to remove the budget from being used as a political weapon to put forth one agenda or another in this very divisive debate. I ask you to please vote down the Colantuono amendment. I will subsequently offer a motion to strike section #86 of the bill which was put in there by mistake, that none of us in Senate Finance intended for that to be in there and that will solve the problem that's here now.

SENATOR CURRIER: Senator King, I don't understand how this took Senate Finance out of the debate? It continues the process, does it not?

SENATOR W. KING: My point, Senator Currier, was that it removed that we felt that the budget was not the place for us to continue, for us to take one side or another in the debate regarding the State Board of Education. That is why in the budget we put money back in for the State Board of Education, despite the fact that the House of Representatives had eliminated all funding for the State Board of Education. We put that money back in there. We also made the decision to do this because we know that certain members of the State Board have been trying to kill the School Improvement Program. This is not a change that we made. We decided to stay with the House change because we understood their rationale under these circumstances. Let me also say, Senator Currier, as you know the School Improvement Program is a program which is outside state government. In other words, it is run by an independent organization, and yet we provide some funding. But much of the funding comes from private sources. As you know, the Housing Finance Authority, the Pease Development Authority, most authorities that are outside of the realm of state government that are quasi governmental, are exempt from the competitive bidding process. So in fact,

what we are doing, is saying that that will be the way in which this organization runs just like every other authority. Frankly, perhaps we ought to revisit the issue of whether the Housing Finance Authority and every other Authority including the IDA and the PDA ought to be exempted from that as well, if we are not willing to exempt this organization.

SENATOR CURRIER: I don't mean to belabor this, I want to get out of here just as much as anybody else. But I agree with the later part of the statement. But my question is, that your testimony or your answer to my question is supportive of Senator Colantuono's amendment to eliminate this. Not in opposition to it. So that we can get it back to what the Senate position is, that the State Board of Education makes education decisions for the state of New Hampshire, not the Commission?

SENATOR W. KING: No, Senator Currier, perhaps I wasn't clear. But I think I was and . . .

SENATOR CURRIER: Maybe I wasn't listening. I mean Senator Colantuono's amendment will do that, eliminate that?

SENATOR HOUGH: So as I don't risk being admonished by my colleagues, I would simply tell you that Senator King has clearly stated the position. You know what the issue is, you know what the correct procedure should be. Defeat the Colantuono amendment, support the King substitute. The King substitute will correct a drafting error on page 17, inclusion of which we still don't know where it originated, and focus on the School Improvement Program. The School Improvement Program has been examined by an independent study commission by the Business and Industry Association. Clearly you recognize that it is providing significant education enhancements in the local areas. Any school improvement program that is in place in a school in your district is recognized nationally. To not pass this language puts in jeopardy all the work that has gone into the School Improvement Program for a number of years. Were you to do otherwise, you would be faced with a whole new start up cost. The time would be lost and the young people in the state of New Hampshire would be put at risk. Clearly, Senator King is on the mark. Defeat the Colantuono amendment, and pass the King substitute.

Senator Colantuono offered a floor amendment.

Floor Amendment to HB 65-FN-A

Amend the bill by deleting sections 51 and 85 and renumbering sections 52-84 to read as 51-83 and sections 86-97 to read as 84-95.

Amend the bill by replacing section 86 with the following:

86 Contingency. If HB 25-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993, becomes law, section 85 of this act shall take effect at 12:01 a.m. on July 1, 1991. If HB 25-A does not take effect, section 86 of this act shall not take effect.

Amend the bill by replacing section 91 with the following:

91 Bonds Authorized. To provide funds for the appropriation made in section 90 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$929,584 and for said purpose may issue general obligation bonds or notes in the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds at the authority in accordance with RSA 12-G:27, III.

Amend the bill by replacing section 95 with the following:

95 Effective Date.

I. Section 81 of this act shall take effect November 1, 1991.

II. Section 85 of this act shall take effect as provided in section 87 of this act.

III. Section 86 of this act shall take effect upon its passage.

IV. Section 94 of this act shall take effect June 30, 1991.

V. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill abolishes the office of securities regulation. It makes the attorney general responsible for the enforcement of the securities laws and gives the secretary of state responsibility for securities filings and related administrative duties.

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(3) Reduces jurors' fees.

(4) Increases fees for birth registration cards and for copies and verifications of vital records.

(5) Repeals SB 210-FN-A, "An act relative to drugged driving and making an appropriation therefor", if it becomes law.

(6) Reclassifies certain positions in the multiple offender program.

(7) Authorizes the division of public health services to impose administrative fines for violations of public health laws and authorizes the commissioner of health and human services to charge a reasonable sum for copying costs of documents. Moneys so collected would be deposited in a special fund and would be continually appropriated.

(8) Gives state police employees the authority to detect and apprehend suspected DWI offenders on numbered state highways, except in towns with a population of over 3,000 where the chief of police has filed a notification with the director of the division of state police that such authority is solely within the jurisdiction of the local police. This bill also grants state police employees the jurisdiction to make arrests for suspected drug violations within localities, provided that they notify the local police department and cooperate with local authorities in the investigation.

(9) Establishes a state vital records improvement fund.

(10) Requires approval of the commissioner of education for any department of education expenditures.

(11) Provides for indemnification of the medical examiner.

(12) Increases the fee for elevator inspection certificates and repeals the boiler and elevator inspection fund.

(13) Changes the salary of the secretary of the New Hampshire retirement system from group M to group O.

(14) Establishes a new unclassified position of chief operations officer in the department of environmental services.

(15) Makes a bonded appropriation to the Pease development authority for its operating expenses for fiscal year 1992.

(16) Makes special provision for revenue sharing distribution in fiscal years 1992-94.

A Roll Call was requested by Senator Disnard.

Seconded by Senator Currier.

The following Senators voted yes: Heath, Fraser, Currier, Disnard, Roberge, Bass, Colantuono, Podles, Humphrey.

The following Senators voted no: Oleson, W. King, Hough, Dupont, Blaisdell, Pressly, Nelson, McLane, J. King, Russman, St. Jean, Shaheen, Hollingworth, Cohen.

Yeas: 9

Nays: 14

Floor Amendment Fails.

SENATOR W. KING: I move that we strike section 57 of the bill and renumber the passage after. This is the paragraph that says "appropriations to the Department of Education any expenditures, sums

appropriated to the Department of Education in this act or any other sums appropriated to the Department of Education for the biennium ending June 30, 1993 shall be made only by or with the approval of the Commissioner of Education." It was not the intent of the Finance committee to do this. It was inadvertently put in, and I would move that we delete that section and renumber the following sections.

Senator W. King offered a floor amendment.

Floor Amendment to HB 65-FN-A

Amend the bill by deleting section 57 and renumbering sections 58-69 to read as 57-68.

Amend the bill by replacing section 68 with the following:
68 Effective Date.

I. Section 54 of this act shall take effect November 1, 1991.

II. Section 57 of this act shall take effect as provided in section 58 of this act.

III. Section 58 of this act shall take effect upon its passage.

IV. Section 66 of this act shall take effect June 30, 1991.

V. The remainder of this act shall take effect July 1, 1991.

Amend the bill by replacing section 18 with the following:

18 Statement of Purpose; Administrative Fines; Division of Public Health Services. The general court finds that the laws protecting the health of the public contain appropriate civil and criminal penalties but lack a mechanism to compel the earliest possible compliance necessary to protect the public while other sanctions are being pursued, or a mechanism to penalize infractions of such laws which do not warrant civil or criminal penalties. Therefore, the purpose of sections 19-46 of this act is to provide the division of public health services with the necessary tools, in the form of administrative fines, to fully protect the health of the public, while assuring restraint on the regulator through a scaling of fines and the availability of due process for the regulated.

Amend the bill by replacing section 58 with the following:

58 Contingency. If HB 25-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993, becomes law, section 58 of this act shall take effect at 12:01 a.m. on July 1, 1991. If HB 25-A does not take effect, section 57 of this act shall not take effect.

Amend the bill by replacing section 63 with the following:

63 Bonds Authorized. To provide funds for the appropriation made in section 62 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$2,800,000 and for said purpose may issue general obligation bonds or notes in the

name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

AMENDED ANALYSIS

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Establishes a method for computing payment for lost taxes under RSA 219:32.

(3) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(4) Reduces jurors' fees.

(5) Increases fees for birth registration cards and for copies and verifications of vital records.

(6) Exempts the school improvement program from competitive bidding.

(7) Repeals SB 210-FN-A, "An act relative to drugged driving and making an appropriation therefor", if it becomes law.

(8) Reclassifies certain positions in the multiple offender program.

(9) Authorizes the division of public health services to impose administrative fines for violations of public health laws and authorizes the commissioner of health and human services to charge a reasonable sum for copying costs of documents. Moneys so collected would be deposited in a special fund and would be continually appropriated.

(10) Gives state police employees the authority to detect and apprehend suspected DWI offenders on numbered state highways, except in towns with a population of over 3,000 where the chief of police has filed a notification with the director of the division of state police that such authority is solely within the jurisdiction of the local police. This bill also grants state police employees the jurisdiction to make arrests for suspected drug violations within localities, provided that they notify the local police department and cooperate with local authorities in the investigation.

(11) Establishes a state vital records improvement fund.

(12) Provides for indemnification of the medical examiner.

(13) Increases the fee for elevator inspection certificates and repeals the boiler and elevator inspection fund.

(14) Changes the salary of the secretary of the New Hampshire retirement system from group M to group O.

(15) Establishes a new unclassified position of chief operations officer in the department of environmental services.

(16) Makes a bonded appropriation to the Pease development authority for its operating expenses for fiscal year 1992.

(17) Makes special provision for revenue sharing distribution.

Floor Amendment Adopted.

Ordered to third Reading.

Senator's Colantuono, Currier and Humphrey are opposed to HB 65.

Senator's Colantuono and Heath in opposition to the committee amendment on HB 65.

MOTION TO TAKE OFF THE TABLE

HB 64-FN-A, an act relative to establishing a tax on nuclear station property and making an appropriation therefor. Ways & Means committee.

Senator Russman moved to have HB 64-FN-A, an act relative to establishing a tax on nuclear station property and making an appropriation therefor, Taken Off The Table.

Adopted.

HB 64-FN-A, an act relative to establishing a tax on nuclear station property and making an appropriation therefor. Ways & Means committee. Ought to Pass with Amendment. Senator McLane for the committee.

SENATOR MCLANE: The committee amendment, #3136 consists of four sections. One, continuation of the 8 percent Room and Meals. Two, continuation of the Real Estate Transfer Tax at the 5.25 which is what it is now. Three, the Telecommunications Tax at the 5 percent. It also has the amendments to the Senate President's Business Profits Tax that deal with compensation, that deal with job creation. That is the package that we are going to vote on at this time. We have decided to take both the Real Estate Transfer tax and the Telephone Property Tax as two separate bills to be voted on in another, after this. So what we are doing is taking that and voting on it, which was the original committee amendment that has been passed by the Ways and Means committee and is obviously necessary to balance the budget that we passed this morning.

SENATOR SHAHEEN: Senator McLane, maybe you misspoke or maybe I am confused, I am not sure which. But it was my understanding that the Real Estate Transfer Tax is, in fact, in this amendment. And what we took out of it is the Estate and Legacy Tax and the Telephone Tax?

SENATOR MCLANE: Excuse me, yes, the Real Estate Transfer Tax, the Business Profits Tax, changed definition of compensation and the job credits. The Real Estate Transfer and the Telecommunication Tax are all in HB 64. And Rooms and Meals at 8 percent.

SENATOR COLANTUONO: I thought that we voted on this already, but obviously we have not. I would like to expand the remarks that I made earlier about the unconstitutionality of a Nuclear Power Tax. As I foresee what will happen. The minute that this passes, the state of New Hampshire will be sued by the states of Massachusetts, Connecticut, Rhode Island, Vermont and Maine, in either a federal court or the U.S. Supreme Court. The court at that time will have an option. It will either do nothing and let the litigation, proceed if we are lucky, or it will enjoin the enforcement of this tax, in which case we have already repealed the franchise tax by this legislation so that we are going to get nothing, or they will order us to put it in escrow funds and even though we are collecting, we can't spend it. So two out of three options I think are disastrous. I foresee that as the likely outcome and I urge a vote against this nuclear tax.

SENATOR HEATH: Senator Colantuono, do you find the most attractive if it goes to litigation and then we lose it, than it's a payback with interest generally speaking, isn't it?

SENATOR COLANTUONO: Yes.

SENATOR HEATH: So do you find that attractive?

SENATOR COLANTUONO: No. I think I misspoke. That is terrible, too. I think all three options are, unless we win the case. My remark was that if they do nothing and we win, that is okay.

SENATOR HEATH: Long shot?

SENATOR COLANTUONO: In my opinion it is.

Amendment to HB 64-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to establishing a tax on nuclear station property
and making an appropriation therefor; relative to the
rates of certain state taxes, and relative to
amending the business profits tax to
encourage economic development.

Amend the bill by replacing section 6 with the following:

6 New Paragraphs; Compensation and Job Creation Tax Credit Defined. Amend RSA 77-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Compensation", for the purposes of RSA 77-A:5, VII, means all wages, salaries, fees, bonuses, commissions, or other items, including the following employee benefits: health, life and disability insurance and pensions, profit sharing and retirement benefits.

XXII. "Job creation tax credit" means the credit allowed against the tax due under this chapter for an amount equal to 25 percent of the compensation, as that term is defined in RSA 77-A:1, XXI, paid during the tax year to all employees of the business organization who are employed in positions which were newly created during that tax year. The newly created employee positions must be directly attributable to the business organization. An employee's position is considered to be directly attributable if:

(a) The employee's service is performed or his base of operations is located at the business organization claiming the tax credit.

(b) The position did not exist prior to the tax year in which the credit is being claimed, and the position remains filled at the time the credit is taken.

(c) The employee's service is performed entirely within this state, or if the service is performed both within and without this state, the service performed without this state is incidental to the service within this state.

7 Factors Used in Apportionment; Apportionment Factors Adjusted. Amend the introductory paragraph of RSA 77-A:3, II(a) to read as follows:

II.(a) [The average of the 3 percentages in paragraph I] **A fraction, the numerator of which shall be the property factor in subparagraph I(a) plus the compensation factor in subparagraph I(b) plus twice the sales factor in subparagraph I(c) and the denominator of which is 4,** shall be applied to the total gross business profits (less foreign dividends) of the business organization to ascertain its gross business profits in this state. If this method of apportionment does not fairly represent the business organization's business activity in this state, the business organization may petition for, or the commission may require, in respect to all or any part of the business organization's business activity, if reasonable:

8 Deduction for Fair and Reasonable Compensation for Proprietors and Partners. RSA 77-A:4, III is repealed and reenacted to read as follows:

III.(a) In the case of a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the personal services of the individual proprietor or partners actually devoting time and effort in the operation of the business organization. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship or partnership only of such amounts as are fairly

attributable to the personal services of the proprietor or partner who are natural persons, but not to permit deduction of any amounts as are fairly attributable to a return on business assets or the labor of non-owner employees of the business organization. The burden shall be upon the business organization filing the return to demonstrate the reasonableness of the deduction claimed under this paragraph, by a preponderance of the evidence. In considering the reasonableness of a deduction claimed under this paragraph, the commissioner shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume, and complexity. In addition, the commissioner shall take into account the value to the business organization of the labor of its non-owner employees and the use of the business assets of the business organization and any other factor which may reasonably assist the commissioner in making a determination as to the reasonableness of the claimed deductions.

(b) The amount of any deduction claimed under subparagraph (a) shall not exceed the amount reported as earned income from the activities of the business organization as reflected on the federal income tax returns of the proprietor or partner rendering such personal services, provided, however, that subject to the requirements of this subparagraph, a minimum deduction of \$3,000 shall be allowed on account of the proprietor or each partner who is a natural person actually devoting time and effort in the operation of the business organization.

9 Total Amount of Credit Allowed. Amend the unnumbered concluding paragraph of RSA 77-A:5 to read as follows:

Provided, that the total amount of any [such] credit allowed **under paragraphs I-V** shall not exceed the tax due under this chapter.

10 New Paragraphs; Credits for Job Creation, Increasing Research Activities, and Capital Expenditures. Amend RSA 77-A:5 by inserting after paragraph VI the following new paragraphs:

VII. In the case of a business organization which is eligible for a job creation tax credit as that term is defined in RSA 77-A:1, XXII, an amount equal to 25 percent of the compensation, as that term is defined in RSA 77-A:1, XXI, paid during the taxable year to individuals employed by the business organization in positions created during the tax year; provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter. The credit allowed under this paragraph may be claimed only in the first full tax year in which the employee position is created, and may be claimed only if the position remains filled at the time the credit is taken.

VIII. In the case of a business organization which is eligible for a tax credit for increasing research activities under section 41 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, an amount equal to the credit taken under section 41 during the prior taxable year; provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter.

IX. In the case of a business organization which is eligible for a tax deduction for capital expenditures under section 179 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, an amount equal to the cost of section 179 property, determined without regard to any dollar limitation under section 179(b); provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter.

X. In the case of a business organization which is eligible for more than one of the credits allowed under paragraphs VII-IX, the total amount of the credits allowed under paragraphs VII-IX for any one business organization shall not exceed 30 percent of the tax due under this chapter.

XI. The credits or any portion thereof allowed in paragraphs I-X to a business organization which is a member of an affiliated group that has filed a consolidated tax return as provided in Internal Revenue Code sections 1501-1505 and regulations thereunder, or combined returns filed on a unitary basis under RSA 77-A, shall be allowed against the tax due with respect to other members of the affiliated group to the extent such credits are not utilized by such business organization.

11 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this act are severable.

12 Rate of Tax for Biennium Ending June 30, 1993, Real Estate Transfer Tax. Notwithstanding the provisions of RSA 78-B:1, I and 1989, 416:4, for the period beginning July 1, 1991, and ending June 30, 1993, the rate of the tax is \$.525 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$21. The tax imposed shall be computed to the nearest whole dollar.

13 Rate of Tax for Biennium Ending June 30, 1993, Meals and Rooms Tax. Notwithstanding the provisions of RSA 78-A, the tax imposed under RSA 78-A:6 shall be imposed as follows for the period beginning July 1, 1991, and ending June 30, 1993:

I. A tax of 8 percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

- (a) Three cents for a charge between \$.36 and \$.37 inclusive;
- (b) Four cents for a charge between \$.38 and \$.50 inclusive;
- (c) Five cents for a charge between \$.51 and \$.62 inclusive;
- (d) Six cents for a charge between \$.63 and \$.75 inclusive;
- (e) Seven cents for a charge between \$.76 and \$.87 inclusive;
- (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;
- (g) Eight percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

14 Rate of Tax for Biennium Ending June 30, 1993, Communications Services Tax. For the period beginning July 1, 1991, and ending June 30, 1993, there is imposed a surcharge of 66-2/3 percent on the tax imposed under RSA 82-A:3 and 82-A:4 on the gross charge for communications services purchased at retail from a retailer.

15 Effective Date.

I. Sections 1-5 of this act shall take effect July 1, 1991.

II. Sections 6-11 of this act shall take effect July 1, 1991, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1991.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

This bill also amends the business profits tax by:

(1) Amending the reasonable compensation deduction for proprietorships and partnerships.

(2) Adding new definitions for compensation and a job creation tax credit.

(3) Amending the apportionment formula.

(4) Adding new tax credits for job creation, research activities, and capital expenditures.

The bill also extends the increased rates for the real estate transfer tax, the meals and rooms tax, and the communications services tax for the biennium ending June 30, 1993.

Amendment Adopted.

SENATOR HUMPHREY: I have a number of amendments I would like to offer. I won't dwell at length on them, but generally my point, my purpose in offering these amendments is to secure a vote on each of these three taxes. I think it is rather bad form that we have lumped a whole lot of very significant taxes and tax bills into one bill. I am just not personally satisfied that we should have only one vote at the end with respect to these taxes, so I am going to offer the amendments now, or at least offer the first. But first, I would like to ask a question to the Chairman of the Ways and Means committee. Senator McLane, I am looking at the provisions for the Communication Services Tax. Am I correct, Senator McLane, that current statute, current law would eliminate the 66 2/3 percent surcharge on the Communication Services Tax would expire?

SENATOR MCLANE: You are correct.

SENATOR HUMPHREY: Absent this bill.

SENATOR MCLANE: You are correct.

SENATOR HUMPHREY: I would call this tax the granny tax. Someone else, either on the floor or in the committee made the very valid point that for our older citizens, the telephone is more than a convenience, it is a lifeline. It is their connection to the world. We didn't have the whatever it takes, depending upon your point of view, to cut the work week for state employees by one-half day per week which would have saved according to the Senate President, \$26,000,000, but we do have what it takes to stick it in granny's ear by slapping on a further 66 2/3 percent tax on her telephone service. Retail telephone service. Therefore, Mr. President, I offer 3140L a copy of which the members have. It simply strikes that section of the bill so that the Communications Tax, the surcharge on the Communications Tax would lapse and the rate would go back from 5 percent, which in this bill before us, to 3 percent. That is the function. It is a simple amendment to strike that tax. I would also call for a roll call on that, Mr. President.

SENATOR MCLANE: Senator Humphrey, I think that you have made a good speech on the wrong bill. I discussed before, I thought that you called it "stick it in granny's ear", but I guess you just called

it "stick it to granny". The Telephone Tax that I believe that you are referring to is the one that we are going to take up as a separate bill. This I wonder if you know, is the tax that has been in effect with a \$12 deduction for everyone so that granny can have her phone. The only thing that she can't do is call her brother in Hawaii every day and not get taxed on that. It is basic service that is exempt, but no long distance. I wonder if you shouldn't maybe wait on this speech until you've come to the bill that we are going to propose for a Telephone Property Tax.

SENATOR HUMPHREY: It is in this bill.

SENATOR MCLANE: I know it is, but I am saying that this is an existing tax that already has a deduction, and we are leaving it at the rate that it has been.

SENATOR HUMPHREY: Senator McLane, the bill before us, extends, does it not?

SENATOR MCLANE: Exactly.

SENATOR HUMPHREY: The 66 2/3 percent surcharge on retail telephone service. Then indeed I have offered the amendment to the right bill. It is my intent to allow that tax to lapse, as it will if the Senate adopts the amendment which is now pending. This is the granny tax and I have asked for a roll call on the granny tax.

SENATOR HOLLINGWORTH: Senator Humphrey, are you aware that this tax is one that your Governor supported, and your party passed last year and that your party in the House has supported?

SENATOR HUMPHREY: Senator, I don't have a party and I don't always agree with the Governor or any Governor, unless there is a conservative party with a large or capital C.

SENATOR RUSSMAN: Senator Humphrey, are you saying to us that by voting this down, that you are in favor of the rest of the tax that is on the telephone, is that what you are saying to us?

SENATOR HUMPHREY: No. I am just saying that we ought not to extend the so called temporary surcharge another year.

SENATOR RUSSMAN: Senator Humphrey, so some of these taxes that don't extend are okay taxes. Those are good taxes, but the extension is a bad tax?

SENATOR HUMPHREY: No, I am not saying that. I am simply addressing one issue at a time here and I think that we have a choice whether to extend the 66 2/3 percent surcharge or to let it lapse as it would under current law. And incidentally, Mr. President, I under-

stand that this tax will raise 23 million, is that? Oh, 24 million. The 1/2 a day per week reduction would yield a savings of 26. It's no doubt, it's probably not too late to go back and revise things so that we can have a 1/2 a day per week work reduction, save that money and eliminate this tax. We can have one or the other, but you can't have both. You can stick it to granny or you can make state employees work a half a day less.

Senator Humphrey offered a floor amendment.

Floor Amendment to HB 64-FN-A

Amend the bill by deleting section 14, and renumbering sections 15-17 to read as 14-16.

AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

This bill also amends the business profits tax by:

(1) Amending the reasonable compensation deduction for proprietorships and partnerships.

(2) Adding new definitions for compensation and a job creation tax credit.

(3) Amending the apportionment formula.

(4) Adding new tax credits for job creation, research activities, and capital expenditures.

The bill also extends the increased rates for the real estate transfer tax and the meals and rooms tax for the biennium ending June 30, 1993.

This bill subjects certain telephone company equipment to the property tax.

The bill also increases the rate of the legacies and successions tax from 15 to 18 percent.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Heath.

The following Senators voted yes: Heath, Colantuono, Humphrey, St. Jean.

The following Senators voted no: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 4

Nays: 20

Floor Amendment Failed.

SENATOR HUMPHREY: Senator McLane, am I correct that under current law that the Rooms and Meals Tax will drop at the end of this fiscal year from 8 percent to 7 percent?

SENATOR MCLANE: You are correct and that would cost us 23 million if we get it.

SENATOR HUMPHREY: I didn't say that yet.

SENATOR MCLANE: Well I thought I would just answer you ahead of time.

SENATOR HUMPHREY: Mr. President, I would like to call up amendment 3141. Mr. President, again this is a very simple striking amendment. In this case it strikes sections 13 such that the Rooms and Meals Tax would fall from 8 percent to 7 as it does under current law. I also am asking for a roll call on this.

PRESIDENT DUPONT: I will do it and I will be very, very brief. I just have to raise this because I am sitting here listening to this and I am inclined to vote with Senator Humphrey, so that he can take this 1/2 a day out of the state employee work week, and we get that out of the way. Then I would be able to ask the question, that that would still leave the state of New Hampshire with a \$300,000,000 deficit and we reduced it by \$26,000,000. What other recommendations Senator Humphrey might have. I will not ask the question, I would just make the point, so that the state of New Hampshire does not find itself bankrupt when we wake up on July 1.

Senator Humphrey offered a floor amendment.

Floor Amendment to HB 64-FN-A

Amend the bill by deleting section 13, and renumbering sections 14-17 to read as 13-16.

AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

This bill also amends the business profits tax by:

(1) Amending the reasonable compensation deduction for proprietorships and partnerships.

(2) Adding new definitions for compensation and a job creation tax credit.

(3) Amending the apportionment formula.

(4) Adding new tax credits for job creation, research activities, and capital expenditures.

The bill also extends the increased rates for the real estate transfer tax and the communications services tax for the biennium ending June 30, 1993.

This bill subjects certain telephone company equipment to the property tax.

The bill also increases the rate of the legacies and successions tax from 15 to 18 percent.

A Roll Call was request by Senator Humphrey.

Seconded by Senator Nelson.

The following Senators voted yes: Heath, Colantuono, Humphrey, St. Jean.

The following Senators voted no: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Holingworth, Cohen.

Yeas: 4

Nays: 20

Floor Amendment Fails.

SENATOR HUMPHREY: Senator McLane, am I correct under current law that the Real Estate Transfer Tax will drop at the end of this fiscal year from 5.25 cents per hundred to 3 cents?

SENATOR MCLANE: It's either 3 or 3.25, I am not quite sure. But the point that I would like to make in answer to your question, because you've given me the floor, is that that would cost \$23,000,000.

SENATOR HUMPHREY: Well again, that roughly corresponds to the savings if we reduce the work week by 1/2 a day, which doesn't seem like too great of a sacrifice on the part of the State Employees Union. But, Mr. President, just so that we can get a vote on this, I offer amendment 3142L which strikes section 12 such that at the end of this fiscal year, as under current law the Real Estate Transfer Tax will drop from 5.25 cents per \$100 to 3.35, and I ask for a roll call on that.

SENATOR W. KING: Very briefly, I don't want to necessarily reiterate what Senate President Dupont just said. But also just let me remind you that we have already asked the State Employees in our budget, that we passed today to shoulder \$34,000,000 in medical co-payments for insurance. Senator Humphrey has suggested not only on top of that, not only do we ask them to bear \$34,000,000 of burden of balancing our budget, but we ask them to come up with another 52 million as well. Then I suppose he will ask us to go the extra mile and layoff some employees as well. We have got to balance this budget, and I urge you to vote down this amendment.

SENATOR HUMPHREY: Senator King evidently read the same outdated information that I read earlier. It isn't \$52,000,000, the latest estimate is that 1/2 a day per week biennium would save \$26,000,000.

SENATOR J. KING: These three taxes that two of them we just voted on and this one will be similar to it, are all taxes that were passed two years ago, raising them. I, at that time, was in the House and I voted against the three of them. I didn't want them. They are there now and we got clobbered, the ones that voted against it in the House and there are 400 over there. As a result, for the past two years, there is about \$20,000,000 to \$70,000,000 that has been used to pay last years expenses and this years expenses out of this money, last years and this years expenses. Well we are not talking about two years from now. It is last years and this years. If we keep going just like we are now, this would cover some of the expenses that you are going to have. To say that we are going to cut those out now, it leaves you in a catastrophic situation without any doubt at all. Do I like

taxes? No. Does anybody in here like taxes? No. Do you have to pay some of your expenses? Yes. You have two choices, you tax or you cut. I didn't want these taxes. We got them. They are involved in the thing, there paying for expenses, the cost of living has gone up and everything else has gone with it. How you can take these, cut the money out that we have and we don't have enough to pay for the bills is an amazing trick if you can do it. It is easy to say cut it. I am as tight with a dollar as anybody else. I'm probably not a skin flint, but I am as tight as most people are. I would vote no against this.

Senator Blaisdell has moved the question.

SENATOR HUMPHREY: I'll take my colleagues offer. I'll vote for this bill with all the taxes, if we reduce the work week to 4 1/2 days.

SENATOR CURRIER: Only if we give that money back to the towns.

SENATOR HEATH: This amendment like the other two that have been offered are only attempts to restore the promises that we made in the last budget cycle. This is what happens to the promises this budget cycle we are making promises all over the place, and this is what we do. We make the promises and then we grab them back. This is just a demonstration of what is going to happen to the promises we made in this budget cycle. I hope that you remember as you break this promise, as you broke the last two, that that is what is going to happen to the promises that we have filled this budget cycle with this time.

Senator Blaisdell moved the question.

Adopted.

Senator Humphrey offered a floor amendment.

Floor Amendment to HB 64-FN-A

Amend the bill by deleting section 12, and renumbering sections 13-17 to read as 12-16.

AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

This bill also amends the business profits tax by:

(1) Amending the reasonable compensation deduction for proprietorships and partnerships.

(2) Adding new definitions for compensation and a job creation tax credit.

(3) Amending the apportionment formula.

(4) Adding new tax credits for job creation, research activities, and capital expenditures.

The bill also extends the increased rates for the meals and rooms tax and the communications services tax for the biennium ending June 30, 1993.

This bill subjects certain telephone company equipment to the property tax.

The bill also increases the rate of the legacies and successions tax from 15 to 18 percent.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Blaisdell.

The following Senators voted yes: Heath, Colantuono, Humphrey, St. Jean.

The following Senators voted no: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 4

Nays: 20

Floor Amendment Fails.

SENATOR RUSSMAN: I have a feeling of Deja Vu. I have an amendment here of 3135L which makes the Business Profits, the things that we talked about, that the incentives have to take place in New Hampshire in terms of the credits they receive or actions only. I'm sure that this will generate a question or two, though.

SENATOR HEATH: Senator Russman, what is the estimated fiscal impact of this amendment of yours?

SENATOR RUSSMAN: I cannot speak to that, because we do not know who is going to take advantage of those. So I don't think at this particular time, it is an incentive that will be out there for businesses to take advantage of if they choose to, but I don't know if it's possible to put a dollar and cent type figure on what people will do. I, this I believe, that it perhaps that Senator Dupont can speak to it better than I and I would defer to him if that is the case.

SENATOR HEATH: To redefine the question, do you have, Senator Dupont, do you have a range of cost benefits, I mean that optimistically and pessimistically will happen?

PRESIDENT DUPONT: Senator, I would tell you that if no new jobs are created in New Hampshire next year, if no new investment in equipment is made, if no research and development takes place in New Hampshire, then the cost to the state of New Hampshire is zero; However, if we are fortunate enough to have a job created by a company that has a profit, that pays the Business Profits Tax, then they would get a credit. So I would remind the Senator that every job that is created provides New Hampshire with an economic benefit. This is an investment in the future of New Hampshire. The economic impact to the state of New Hampshire, our budget, is well worth the investment we are making here because we are encouraging people to invest in New Hampshire.

Senator Russman offered a floor amendment.

Floor Amendment to HB 64-FN-A

Amend RSA 77-A:5, VIII and IX as inserted by section 10 of the bill by replacing them with the following:

VIII. In the case of a business organization which is eligible for a tax credit for increasing research activities under section 41 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, an amount equal to that portion of the credit taken under section 41 during the prior taxable year which is attributable to increasing research activities in this state only; provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter.

IX. In the case of a business organization which is eligible for a tax deduction for capital expenditures under section 179 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, an amount equal to that portion of the cost of section 179 property which is attributable to this state only, determined without regard to any dollar limitation under section 179(b); provided, however, that the credit allowed under this paragraph shall not exceed 10 percent of the tax due under this chapter.

AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

This bill also amends the business profits tax by:

(1) Amending the reasonable compensation deduction for proprietorships and partnerships.

(2) Adding new definitions for compensation and a job creation tax credit.

(3) Amending the apportionment formula.

(4) Adding new tax credits for job creation, research activities, and capital expenditures.

The bill also extends the increased rates for the real estate transfer tax, the meals and rooms tax, and the communications services tax for the biennium ending June 30, 1993.

This bill subjects certain telephone company equipment to the property tax.

The bill also increases the rate of the legacies and successions tax from 15 to 18 percent.

Floor Amendment Adopted.

Ordered To Third Reading.

TAKEN OFF THE TABLE

Senator Disnard moved to have HB 549, relative to early retirement for state employee group I members of the retirement system, Removed Off The Table.

Adopted.

Recess.

Out of recess.

MOTION TO VACATE

Senator Disnard moved to Vacate HB 549, relative to early retirement for state employee group I members of the retirement system, from Insurance to the Finance committee.

Adopted.

SUSPENSION OF THE RULES

Senator McLane moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 146, relative to the rates of the Business Profits Tax, be put on Second Reading at the present time.

SENATOR HEATH: I was just going to ask you if it didn't take 2/3 vote to suspend the rules?

Division vote.

A 2/3 vote is required.

Yeas: 20

Nays: 2

Adopted by necessary 2/3 vote.

Suspension of the Rules is Adopted.

HB 146, relative to the rate of the business profits tax. Ways & Means committee. Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: I want to be very clear that it is only the number that we are using from the former bill. It replaces the title and it becomes the legacy and succession tax, an increase from 15 percent to 18 percent. I want to remind you that the Estate and Legacy Tax covers only nonlineal descendents. If you leave it to your grandmother or if you leave it to your kids, you are not taxed in New Hampshire. But if you inherit it from a rich uncle, they'll stick you another 3 percent if we pass this tax. It would mean \$10,000,000 as a contribution to this bill. I also want to remind you, that in deference to brothers and sisters and those who sometimes want to leave the home that they live in to a nonlineal, being a brother or sister that that is also exempt from the tax. So if you're planning to inherit from a rich uncle and you don't want to give another 3 percent for this wonderful budget. That is the only reason that I think that you should vote against this.

SENATOR COLANTUONO: Senator McLane, do you believe that this amendment is germane to the original bill which increased a Business Profits Tax from 8 to 9 percent?

SENATOR MCLANE: We thought that it was and it was because the first four words are exactly the same, I believe. We thought that was probably enough to do it.

SENATOR COLANTUONO: And do you also believe that this bill is constitutional in that it satisfies the requirements that all money bills originate in the House?

SENATOR MCLANE: I believe that the constitution says that all money bills originate, but if it's already originated, meaning that we have had it for a good long time, a 15 percent legacy and succession tax, to add something to it, I believe is constitutional.

Senator McLane offered a floor amendment.

Floor Amendment to HB 146-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

to increase the rate of the legacies and successions tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Legacies and Successions Tax Increased. Amend RSA 86:6, I to read as follows:

I. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciles of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciles of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of [15] 18 percent of its value for the use of the state, except as provided in paragraphs II and III and RSA 86:9-a.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the rate of the legacies and successions tax from 15 to 18 percent.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Pressly.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, McLane, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Pressly, Nelson, Colantuono, Podles, Humphrey, J. King, St. Jean.

Yeas: 16

Nays: 8

Floor Amendment is Adopted.

Ordered To Third Reading.

Senators Colantuono, Heath and Humphrey are in opposition to HB 146-FN-A.

SUSPENSION OF THE RULES

Senator McLane moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that HB 378-FN-A, relative to determining reasonable compensation under the business profits tax be put on second reading at the present time.

Division vote.

A 2/3 vote is required.

Yeas: 16

Nays: 8

Adopted by the necessary 2/3 vote.

Suspension of the Rules is Adopted.

HB 378-FN-A, relative to determining reasonable compensation under the business profits tax. Ways and Means committee. Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: TAPE INAUDIBLE. Lower their rate by 3 percent. So our assumption is given that past experience that when the telephone company goes as they threatened directly to the PUC, and say "look they've reinstated the tax", they will get the 3 percent tax back.

SENATOR HEATH: Senator McLane, do you know anybody that doesn't have or use a telephone?

SENATOR MCLANE: Yes. I have a twin sister who hates the telephone. I think a lot of other people don't use the telephone very often.

SENATOR HEATH: I didn't ask you how often, I asked you if you knew anybody that didn't have or use a telephone.

SENATOR MCLANE: Yes, I do know a few people who don't have a telephone. In fact, I know a very interesting fact. Three percent of the people in the United States do not have a telephone. Dorothy Sanborn in Boscawen doesn't have one.

SENATOR HEATH: Would you then consider a tax that essentially taxes all but the 3 percent, and Dorothy?

SENATOR MCLANE: Aubuchon Hardware, too.

SENATOR HEATH: And then consider that this is a Broad Based Tax?

SENATOR MCLANE: I do, and I know that you are going to come back and say that is why I am for it.

SENATOR HEATH: And for a final and further question. Is this not a new Broad Based Tax? A new one that we did not have yesterday?

SENATOR MCLANE: I am saying that it is reused, that we had it a while ago.

SENATOR CURRIER: The question is the answer to Senator Colantuono's question regarding the PUC. It will go into the rate base, but it will take 2 years, so it will be 2 years when the next legislature comes in that that rate will really affect them, because they won't be able to get it through the PUC until then.

SENATOR SHAHEEN: I am going to oppose this tax. I have voted for the rest of the tax package tonight with reluctance, as I am sure the rest of us have. Because I thought it was important to be responsible and to pass a budget and to pass a revenue package to fund that budget. But let's make no mistake about it, what we are about to pass now, and what we have passed before, is a broad based tax that is going to affect virtually everybody in this state. Despite the rhetoric that has come out of the Governor's office, we have already got a broad based tax, but it is a tax that is unfair to the people of this state. The problem that we've got is that we need comprehensive tax reform, we need to stop the charade of saying to the people of this state "we don't have a broad based tax", because we do in fact have a broad based tax. We need to promise to the people of this state, the businesses, the local property taxpayers that this is the last time that we are going to do this, and that we are going to come back in next time, with a tax package that is going to make sense to everybody, and it is going to be fair and equitable.

SENATOR COHEN: Senator McLane, is it not true that if this bill does not pass and the state does not collect the money from this, then the municipalities have the right and the ability to make this tax themselves and collect the same money, except go to the towns and thereby depriving the state of this revenue?

SENATOR MCLANE: I don't believe that is true. The reason being, first of all, that I don't believe that they have the statutory right to tax telephone poles and that is why they haven't. But I secondly say, that when this tax was first proposed by Donna Sytek over in the

House, she very carefully drafted it so that the cities and towns would get the revenue and the state would then withdraw that much from revenue sharing, and so it would be a plus for the state. But the cities and towns said "Oh, wait a minute, we don't even know how many telephone poles there are" and the telephone company said "it is impossible for us to pinpoint where every pole is in every community. If you are going to do it to us, do it to us on a statewide level, so that we pay one tax".

PRESIDENT DUPONT: I am at that point where I am probably as tired of hearing myself as you all are of hearing me speak. I was going to save this speech until a little bit later, but I think it is appropriate that I do it now. The good news is that we are 3/4 of the way there. The bad news is that when we are fully there, there is still going to exist a gap between the expenditures that we have passed today and what the revenues are. Yesterday, I passed out my reality sheet. I had somebody call me one day and say "all of you politicians over there need a reality chart." So this is our reality chart. What it shows is a \$40,000,000 deficit. We hope that we end this year with it showing spending priorities that this Senate voted affirmatively today. Down at the bottom, I gave you all your choices. What it took to get at the magic number of a balanced budget. I bring you to the right side, and Senator Humphrey has indicated that he wants to shut state government down for a week, one day a week, or a 1/2 a day a week, and I would tell you that before we get through this, before the state of New Hampshire puts its problems to rest, we may be shutting state government down a 1/2 a day a week, Senator. We are not there, there is going to be a very difficult Committee of Conference when this budget is finally sent to it. When you go down the list, all of the options are unpalatable. But we made a statement today that we weren't going to hit local aide, there are 5 or 6 local aid options on this list. There are layoffs that we can talk about. There are many ways that we can balance this budget, including as Senator Humphrey has indicated earlier, by further cutting. But I think this body has made a statement. What I am trying to say is that even after you pass this present tax that is before us, there will exist a gap between revenues and expenditures that will probably exceed what this year's deficit is going to be. So we are not there yet. I know that this is a difficult one, and it isn't a pleasant day for me to be standing here doing what we have to do. But I don't believe the people in the state of New Hampshire want to pick the newspaper up on July 1 and find out that their state is bankrupt. Ultimately, if you don't resolve this problem, the state of New Hampshire is not going to be able to pay its bills. We went through, and I think Ways and Means made a statement, that they were going to address taxes

that had the least impact on the business climate of the state of New Hampshire because we recognize that economic growth is the way out of this problem. I understand that this is unpalatable, quite frankly, I wish I wasn't standing up on the floor at 11:20 p.m. urging my colleagues to do what I think needs to be done. But ultimately, if we are going to resolve this problem, we are here to fix this problem. That is what we were elected for. We have to do some things that may not be as I indicated earlier, what is politically smart as legislators, but what is responsible as legislators. So I give that speech. That is going to be, I hope, my last spiel of the day. I will after we get all through, stand up on this floor and explain the nature of the size of the existing problem that still remains. There is still going to be a problem and we are going to have to address that. But obviously, Ways and Means made the hard decisions this morning and last night. This is their recommendation, and I certainly am open to any recommendations that are on this list. But I think that we agreed that this was probably the most appropriate way to go.

Senator McLane offered a floor amendment.

Floor Amendment to HB 378-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the taxation of certain telephone
company equipment as property.

Amend the bill by replacing all after the enacting clause with the following:

1 Taxation of Telephone and Telegraph Property. Amend RSA 82:2 to read as follows:

82:2 Rate. Every railroad, railway, express, **telephone and telegraph corporation or company**, and every parlor, sleeping or dining car corporation or company, or other corporation or company not a railroad company owning any cars operated for profit on any railroad in this state shall pay to the state an annual tax, as of April 1 of each year, upon the actual value of its property and estate, **except motor vehicles, furniture, office equipment, plants under construction, and buildings used by telephone and telegraph companies for office purposes and as central stations**, at a rate as nearly equal as may be to the average rate of taxation at that time upon other property throughout the state.

2 Reference to Telephone and Telegraph Companies Added. Amend RSA 82:12 to read as follows:

82:12 Express and Other Lines. Every express corporation or company shall state the whole length of the lines of rail or water routes over which the company did business during the preceding year, whether within or without the state, and the whole length of such lines within the state. **Every telegraph or telephone corporation or company shall state the total length of its lines, whether within or without the state, and the total length of its lines within the state.**

3 Reference to Telephone and Telegraph Companies Added. Amend RSA 82:36 to read as follows:

82:36 Report of Commissioner of Revenue Administration. The commissioner of revenue administration shall incorporate in his report all facts as to the total market value of the stocks and bonds and other funded or floating debt of such corporation or company and the capitalized value ascertained as herein provided, all facts relative to the total trackage of such railroad or railway corporation or company, **the total length of lines of each telegraph or telephone corporation or company**, the total number of car-miles of each parlor, sleeping or dining car corporation or company, and the total length of lines of rail or water-routes of each express corporation or company, together with such other information as it may deem proper.

4 Reference to Telephone and Telegraph Companies Added. Amend RSA 82:37 to read as follows:

82:37 Taxation of Certain Property. The real estate of any railroad, railway, express, telephone and telegraph corporation or company and parlor, sleeping or dining car corporation or company, or other corporations or companies, not railroad companies, owning any cars operated for profit on any railroad in this state, not used in its ordinary business, **and buildings used by telephone and telegraph companies for office purposes and central stations**, shall be appraised and taxed under RSA 72.

5 Effective Date. This act shall take effect upon its passage, and shall apply to taxes assessed as of April 1, 1992.

AMENDED ANALYSIS

This bill subjects certain telephone company equipment to the tax imposed under RSA 82, taxation of railroads.

A Roll Call was requested by Senator Heath.

Seconded by Senator Humphrey.

Recess.

Out of recess.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Roberge, Blaisdell, Bass, McLane, Russman, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Disnard, Pressly, Nelson, Colantuono, Podles, Humphrey, J. King, St. Jean, Shaheen.

Yeas: 14

Nays: 10

Floor Amendment Adopted.

Ordered To Third Reading.

Senators Colantuono, Heath in opposition to HB 378-FN-A.

RESOLUTION

SR 9

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety-one

A RESOLUTION

affirming revenue estimates for
fiscal years 1992 and 1993.

Whereas, the Senate Ways and Means Committee has considered what the revenue estimates should be for fiscal years 1992 and 1993 and has presented those estimates to the Senate; now, therefore, be it

Resolved by the Senate:

That the Senate wishes to go on record as affirming the following revenue estimates for fiscal years 1992 and 1993:

GENERAL FUND

	Fiscal Year 1992		Fiscal Year 1993	
	Statutory	Proposed	Statutory	Proposed
	Rates	Rates	Rates	Rates
Beer	\$ 11,800,000	\$ 11,900,000	\$ 11,800,000	\$ 11,900,000
Board and care	19,000,000	19,000,000	19,500,000	19,500,000
Business profits tax	113,000,000	113,200,000	119,700,000	119,900,000
Estate and legacy tax	25,000,000	30,000,000	27,000,000	32,400,000
Insurance	43,000,000	43,000,000	45,000,000	45,000,000
Interest and dividend tax	41,000,000	41,000,000	44,000,000	44,000,000
Liquor	59,800,000	61,300,000	62,500,000	64,000,000
Meals and rooms tax	80,000,000	91,900,000	83,000,000	95,400,000
Parks income	4,750,000	4,750,000	4,950,000	4,950,000
Dog racing	6,500,000	6,500,000	6,700,000	6,700,000
Horse racing	4,800,000	4,800,000	4,800,000	4,800,000
Real estate transfer tax	22,000,000	33,000,000	24,000,000	36,000,000
Communications tax	13,800,000	23,000,000	14,400,000	24,000,000
Cigarette tax	36,000,000	36,000,000	34,000,000	34,000,000
Utilities	10,000,000	24,000,000	10,500,000	24,500,000

- 3 -

Other	32,000,000	32,000,000	35,000,000	35,000,000
Courts	23,000,000	23,000,000	24,000,000	24,000,000
Savings bank tax	14,000,000	14,000,000	15,000,000	15,000,000
Telephone company property tax		<u>12,000,000</u>		<u>12,000,000</u>
Total	\$559,450,000	\$624,350,000	\$585,850,000	\$653,050,000

HIGHWAY FUND

Gasoline Road Toll	\$ 91,381,000	\$ 91,381,000	\$ 92,310,000	\$ 92,310,000
ATA Lawsuit Recovery	0	0	0	0
Motor Vehicle Fees	52,873,500	52,873,500	53,772,580	53,772,580
Miscellaneous	<u>7,550,000</u>	<u>7,550,000</u>	<u>7,550,000</u>	<u>7,550,000</u>
Total	\$151,804,500	\$151,804,500	\$153,632,580	\$153,632,580

FISH AND GAME FUND

Fish and Game Licenses	\$ 5,700,000	\$ 5,700,000	\$ 5,700,000	\$ 5,700,000
Fines and Penalties	85,000	85,000	85,000	85,000
Miscellaneous Sales	231,500	231,500	231,500	231,500
Indirect Costs	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>
Total	\$ 6,066,500	\$ 6,066,500	\$ 6,066,500	\$ 6,066,500

SENATOR MCLANE: This is the revenue estimates that have come from our committee. We have worked with Charlie Connors, with Donna Sytek from the House Ways and Means committee and quite frankly, they are lean and mean. We've come down considerably from the House Ways and Means and we think with pride that they are realistic. We have added \$1,000,000 by putting \$100,000 in beer, \$200,000 into the Business Profits Tax, \$200,000 into liquor and .5 million into Rooms and Meals to reflect the million dollars that has been put into the Senate budget for advertising. We hope that we are correct, that these estimates will carry through for the rest of the year. But I think that I can say with pride, that they are the best thoughts that we have to come before you today. So we would ask in a manner that we haven't often done in the Senate, but it is done in the House, to reaffirm the revenue estimates in the same way that is in the House Rules.

SENATOR HEATH: Senator McLane, I understand that there is a requirement in the House to do this, but why are we beginning this practice over here, what is the purpose of it?

SENATOR MCLANE: I like this idea. I think that it is the suggestion of the Senate President, and I think it is typical of the open manner in which we have approached both the budget and the revenues. The Ways and Means committee have met and we have worked on these, and except for one of my members in hysterics, I think there is agreement.

SENATOR HEATH: Senator, I am not asking for a speech, I want to know what the purpose of resolving estimates are?

SENATOR MCLANE: The purpose is that we are sending a Committee of Conference over to the House to meet with the House and that in the same way that we send them over a budget, we want to send them over with great strength, our accumulative, best guess of what the revenue estimates will be. And we want to say that we are predicating our budget on these revenue estimates. We have voted them individually and this reflects the increases and the continuations that we have voted.

SENATOR HEATH: This reflects all the work that we did tonight?

SENATOR MCLANE: Yes.

SENATOR HEATH: Was that a little bit optimistic?

SENATOR MCLANE: I think that we had some really good wins tonight. As a matter of fact, it hasn't put in the smokeless tobacco tax, I don't think, and so perhaps we could add another \$400,000 to

it. I am not sure whether that is included with the cigarette tax or not. But other than that, I think it is as I say, the best that the Ways and Means committee could do and we ask that the Senate accept it.

SENATOR HEATH: Senator, do you believe that when you go to the Committee of Conference and you waive this around and the House sees that we have resolved that these are our estimates, it will make a difference?

SENATOR MCLANE: I do. I have been Chairman of the Ways and Means in the House and I know how seriously they take their revenue estimates. I feel that the Ways and Means committee has an obligation. When we look at all these taxes and when we pass them, that we also tell you how much money we expect to get from them.

Recess.

Out of recess.

SENATOR MCLANE: I would like to point out two significant changes that the Ways and Means committee has just voted on. We have discovered from the Senate President, that Don Shumway says that the Board and Care gets a once, one time hit of \$7,000,000 extra because of changes in the medicaid law. Is that correct, Senate President?

PRESIDENT DUPONT: We have been working with Health and Human Services on changes that allow us to increase our Board and Care by a \$7,000,000 amount.

SENATOR MCLANE: And because of the change in the definition of compensation and the Business Profits Tax, it is estimated by Charles Connor, that we would gain 2 million in 1992 and 3 million in 1993. So the bottom line there is, that we have 12 million in additional revenue, 9 in the first year and 3 in the second. So if you want to make those changes, but it puts us in a more up-to-date position, and it also gives us a better figure as we go in. I would like to still point out that it is 12 million below the House and Governor's figures, so it is still a conservative number.

SR 9, is Adopted.

HOUSE MESSAGE

SENATE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 390, relative to technical corrections in the liquor laws.

Senator McLane moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference.

REPRESENTATIVES: Caroline L. Gross, Thomas A. Behrens, Arthur P. Klemm, Jr., Carolyn E. Hynes.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 35-A, making appropriations for capital improvements.

Senator Nelson moved to accede, and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Nelson, Colantuono, Fraser.

The Speaker, on the part of the Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler, Beaton Marsh, Terry Oliver, Paul Lamott.

COMMITTEE REPORT OF ENROLLED BILLS

Enrolled Bill Amendment to SB 102-FN

Amend the bill by replacing section 13 with the following:
13 Effective Date.

I. Section 11 of this act shall take effect July 1, 1995, at 12:01 a.m.

II. The remainder of this act shall take effect 60 days after its passage.

Senator Currier moved Adoption.

Adopted.

PRESIDENT DUPONT: I would be remiss if I didn't thank the Senators not only for their support today, but for their consideration to try and resolve the problems that face the state of New Hampshire, but certainly, also, their, I think the body has shown a great deal of patience today as we have ended what I think comes close to being one of my longest days of serving in this Senate. We have accomplished a great deal today. There still remains as you all know a problem. We had some alternatives facing us today and we have heard a lot of talk about Senator McLane's Broad Based Tax which we all understood was continued to say is politically impossible to do. We could have raised business taxes that would have impacted our economy which would have more than likely increased our fiscal problems or we could develop an approach that I like to refer to as an attempt to try and get our economy going again. Perhaps we may best look at it as borrowing working capital for the state of New Hampshire. There is as you all know, a gap that still exists. The Senate position that we will go to Committee of Conference will be one that takes that \$49,000,000, utilizes the short term borrowing capability that we built in and the hopes that I think we all have that economic growth will restore our fiscal stability. For those who are optimists, obviously, a turn around in our economy would negate the need to borrow to meet our needs. And I for one stand here hoping, and I say my prayers every night when I go to bed that New Hampshire's problems are behind us. I think that this body has made a significant attempt to try and address the problems that face the state of New Hampshire. I applaud my Democratic colleagues and my Republican colleagues for their willingness to work towards resolving the state's problems. I would only caution that our concerns about our economy are legitimate. If our economy continues to decline, that regardless of the actions that we have taken today, we will be back in here again addressing our problems. So that those that say that the issue of balancing the way that we have balanced today is short-sighted or short-termed in nature, I would only add that if our expectations of our economy are going to turn around are correct, then we don't have a problem. But if our economy doesn't turn around, then this legislature in the next session will have some very significant problems to face. We go now to a Committee of Conference with the House and Representative Gross, our distinguished colleague from the House who has been patiently sitting here. I would only add that the work ahead of us as we try and resolve this Committee of Conference will probably be as difficult, if not more difficult, than what we faced here today. But I again, thank the Senate for their cooperation. We have a Senate that while diverse, I believe has acted admirably in living up to its commitments to the

people that we all represent. So I would just again also thank Senator Delahunty for what I think has been a tremendous job as being in the Chair today.

Recess.

Out of recess.

SENATOR HOUGH (Rule #44): Twenty-three members in this room please give a round of applause for the good Leadership of Ed Dupont who has reaffirmed what we said in December.

SENATOR MCLANE (Rule #44): I didn't say it in December, so I will say it now Eddy, it was a great job. I will tell you what I wanted to say. I wanted to thank everyone for their good humor and their patience. I am going to think about you all on your drive home, because I have the shortest drive. I oftentimes, as I lie in my bath with my bourbon, think about all of you still on the road. But I want to say, in all seriousness, drive carefully. You are all tired and I worry. I remember one awful night in the House many years ago, I think we don't realize how tired we are. I want to say that if anyone ever wants to spend the night, we have a bed in our basement, and we would love to have you . . . and the bourbon.

SENATOR DELAHUNTY: If I could just add one thing. Being up here in the Chair today, being up here from this end of the spectrum is a totally different situation for me. I am the one who is sitting down there all the time saying "let's go Eddy, let's go, let's go, let's go". It is very frustrating. I think what we have seen here today, it's a pleasure to appreciate from your prospective, what you go through. I think you have done an outstanding job. I think that you have kept your heads together. It has been a pleasure working with you. I think that whether we all agree or disagree, I think that we have done a good job of going through the effort in putting things together and if we continue this way, I think we have an outstanding Senate. Thank you very much.

RESOLUTION

Senator Currier moved that the Rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 25-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993.

HB 64-FN-A, relative to establishing a tax on nuclear station property and making an appropriation therefor, relative to the rates of certain state taxes, relative to amending the business profits tax to encourage economic development, and relative to the taxation of certain telephone company equipment as property.

HB 65-FN-A, an act relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures.

HB 146-FN-A, to increase the rate of the legacies and successions tax.

HB 189-FN, relative to the office of securities regulation.

HB 353-FN-A, to tax smokeless tobacco and making an appropriation therefor, and relative to prohibiting the use and possession of tobacco products by persons under 18 years of age.

HB 378-FN-A, relative to the taxation of certain telephone company equipment as property.

HB 390, an act relative to technical corrections in the liquor laws.

HB 488-FN relative to the flexible spending programs and relative to providing retirement benefits upon the death of certain group II members.

HB 561, an act enabling towns to limit reconsideration of town meetings votes.

HB 622-FN, an act relative to a debt management plan.

HB 627, an act relative to the treatment of repeat DWI offenders.

HB 649-FN, an act relative to the cigarette tax.

HB 669-FN, relative to the borrowing authority of the state treasury and relative to the industrial development authority and the housing finance authority.

HB 700-FN, relative to highway planning corridors.

HB 727-FN, relative to DWI testing and commercial driver licenses.

RESOLUTION

Senator Currier moved that the business of the day being completed, the Senate recess to the Call of the Chair for the sole purpose of House messages and enrolled bills reports.

Adopted.

Recess.

Out of recess.

Senator Currier in the Chair.

HOUSE MESSAGE

SENATE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 25-A, making appropriation for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1991.

Senator Blaisdell moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Blaisdell, Hough, Dupont — Alternates: Delahunty, W. King.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Caroline Gross, Elizabeth Hager, Channing Brown, Doug Hall, Mary Chambers — Alternates: Harold Burns, Merle Schotanus, Donna Sytek.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 64-FN-A, relative to establishing a tax on nuclear station property and making an appropriation therefor.

Senator McLane moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Sytek, Robert Hayes, Fred Ahrens, David LaMar.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 65-FN-A, relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures.

Senator Blaisdell moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Blaisdell, Hough, Delahunty — Alternate: W. King.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Caroline Gross, Elizabeth Hager, Channing Brown, Mary Chambers.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 146-FN-A, relative to the rate of the business profits tax.

Senator McLane moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Sytek, Robert Hayes, Fred Ahrens, David LaMar.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 189, relative to the rulemaking authority of the director of the office of securities regulation.

Senator Fraser moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, Heath, Disnard.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Caroline Gross, Elizabeth Hager, Channing Brown, Mary Chambers.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 378-FN-A, relative to determining reasonable compensation under the business profits tax.

Senator McLane moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Russman, Hollingworth.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Sytek, Robert Hayes, Fred Ahrens, David LaMar.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 488-FN, relative to the flexible spending programs.

Senator Hough moved to accede to request for Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Hough, Delahunty, W. King.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kathleen Ward, Arnold Shibley, Robert Wheeler, Janet Pelley.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 627-FN, relative to the treatment of repeat DWI offenders.

Senator Oleson moved to accede, and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Oleson, Cohen, Heath.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Lee Lozeau, Kent Martling, David Hultgren, David Cote.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 669-FN, relative to the borrowing authority of the state treasurer.

Senator Hough moved to accede, and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Dupont, Hough, Blaisdell.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Caroline Gross, Elizabeth Hager, Channing Brown, Mary Chambers.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

SB 9, relative to a study of interactions between the mental health and criminal justice systems.

SB 115, relative to injuries done by dogs.

HB 705, establishing the New Hampshire scenic byways planning program.

HB 753, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 243, relative to the number of signatures required to place a petitioned article on the warrant.

HB 683, establishing a transportation task force for the twenty-first century and making an appropriation therefor.

SB 28, relative to promoting New Hampshire businesses and products internationally and continually appropriating a fund for international trade promotion.

SB 37, relative to amending provisions of the voluntary corporation statute.

SB 102, authorizing the bank commissioner to establish and administer a public deposit investment pool.

HJR 4, relative to providing access to Flat Mountain Pond for members of the public.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills examined and found correctly enrolled the following entitled House and Senate Bills:

HB 111, relative to protective well radii.

HB 257, relative to collection and reclamation of motor vehicle waste.

HB 262, revising hazardous waste facility permit fees.

HB 542, relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article.

SB 3, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor.

SB 55, relative to replacing the Warren Bridge on New Hampshire Route 25 and extending the deadline for completion of a study.

SB 57, relative to the review of New Hampshire corporate laws.

SB 158, relative to advanced registered nurse practitioners.

Senator Currier moved adoption.

Adopted.

Senator Currier moved that we recess.

Adopted.

Recess.

Out of recess.

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, June 11, 1991 at 1:00 p.m.

Adopted.

LATE SESSION

Senator Delahunty moved to adjourn.

Adopted.

Adjournment.

June 11, 1991

The Senate met at 1:00 P.M.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray. Lord, we are right in the middle of a triangle in the state, the Governor, the House, and the Senate. Where is the budget now? You cannot have a budget unless you have the money to pay for it! Good luck. I pray for you!! Wish I could give it to you. Amen

Sen. W. King led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT DUPONT (Rule #44): For those who I haven't talked to about what is happening with the Committee of Conference, I thought it might be appropriate that I bring you up to speed with what is happening with the Conference. It is no secret that there hasn't been significant progress since we started last week. It is moving very slowly. We have, I think, the Conferees have carried a strong message to the table that there has to be an acknowledgment on the part of the House and the House conferees that our economic problems can best be addressed by a position that recognizes the problems that exist in the economy in the state of New Hampshire. And if we solve that problem, we go a long way towards solving the fiscal problems of the state of New Hampshire. The position, I believe, is quite clear that we can do a short term fix that fixes the state's budget. But ultimately, is a long term disaster for the state of New Hampshire. That we are not going to pass a budget that is based on a fix that sends a message to the business community that we don't recognize their problems at the present time. I believe that the Senate position is a sound one. It is one that we have reached through a process of compromise. I would also like to inform the body that Senate Finance has continued its work. We have spent two full days going through the budget, coming up with additional cuts. Clearly, the next few days will be very difficult. And, as we move towards compromise, we hopefully will bring back to you a document that will still recognize the Senate position. One that I believe, at the present time, is still the responsible position. I would also like to thank the members that continue to work with Finance. The suggestions continue to come in, we continue to bring things to the conference that have come about as a result of the work that has continued. Certainly, I believe, regardless of what is being said, the Senate has done its homework and stands proud leading the charge into the Committee of Conference with what this body has put together at this point in time. It is not over yet, and I envision that the next few days will be very difficult ones. But, as I indicated, what we intend to bring back is something the body will be comfortable with. So that is it on the budget. All I can say is, it is a good thing the Conference Committee is not getting paid by the hour, because you wouldn't be getting your money's worth. We really haven't accomplished a whole lot up to this point. We will be going back in this afternoon at 4 o'clock, hopefully to try and move things forward. So it is my desire that the Senate would meet today, for this afternoon, finish up our work today, come back in tomorrow afternoon. But most likely, we will not be meeting on Thursday.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 353-FN-A, to tax smokeless tobacco and making and appropriation therefor, and relative to prohibiting the use and possession of tobacco products by persons under 18 years of age.

HB 700-FN, relative to highway planning corridors.

HB 727-FN, relative to DWI testing and commercial driver licenses.

RESOLUTION**HOUSE MESSAGE****SENATE CONCURS WITH HOUSE AMENDMENTS**

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 38-FN-A, exempting interest earned by investors in certain mutual funds from the interest and dividend tax.

Senator Fraser moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 785-FN-A, relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor.

RESOLUTION**INTRODUCTION OF HOUSE BILLS**

Senator Delahunty offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 785 shall be by this resolution read a first and second time by the therein listed titles.

Adopted.

First and Second Reading

HB 785-FN-A, relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor.

Senator Russman moved to have **HB 785-FN-A**, Laid On The Table. Adopted.

HB 785-FN-A, IS LAID ON THE TABLE.

COMMITTEE OF CONFERENCE REPORTS

COMMITTEE OF CONFERENCE REPORT ON **HB 62-FN**

The committee of conference to which was referred House Bill 62-FN, An Act relative to retirement allowances under the New Hampshire retirement system having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 100-A:3, I(a)(3) as inserted by section 2 of the bill by replacing it with the following:

(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,700 hours of employment; and

Amend the bill by replacing section 3 with the following:

3 Reduced Service Retirement Allowance for Group I Members.
Amend RSA 100-A:5, I(c) to read as follows:

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has **either completed at least 20 years of creditable service which, when combined with his age equals at least 70 years, or who has** attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age, by **1/8 of one percent if the member has 35 years or more of**

creditable service, by 1/4 of one percent if the member has 30 years [or more] but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

Amend the bill by deleting section 7 and renumbering the original sections 8 and 9 to read as 7 and 8, respectively.

*Conferees on the Part
of the Senate*

Sen. Delahunty, Dist. 22

Sen. Bass, Dist. 11

Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. Ward, Graf. 1

Rep. R. Wheeler, Hills. 6

Rep. Shibley, Belk. 6

Rep. Pelley, Straf. 10

AMENDED ANALYSIS

This bill amends the retirement statutes, RSA 100-A, by:

(1) Amending the definition of earnable compensation so that severance pay such as vacation time and other compensation paid by an employer are used only to a certain extent to determine the average final compensation of a person upon his retirement.

(2) Repealing the special fringe benefit for certain unclassified officers or employees who withdraw from the retirement system and who make equivalent contributions to an IRA.

(3) Defining the conditions which elected and appointed officials must meet in order to be eligible for membership in the retirement system.

(4) Changes the requirements for receiving a reduced service retirement allowance as a group I member, and changes the allowance which is received.

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 104-FN

The committee of conference to which was referred House Bill 104-FN, An Act relative to a public water rights report and advisory committee having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend section 8 of the bill by replacing it with the following:

8 New Section; Existing Uses. Amend 1990, 148 by inserting after section 4 the following new section:

148:4-a Usage by Registered Water Users.

I. Except as provided in paragraph III, for purposes of the public trust doctrine, water users registered with and reporting use or withdrawal with the water resources division of the department of environmental services, pursuant to 1983, 402:1, V, as recodified to RSA 482:3, III, as amended, and their successors and assigns, are authorized to take water for the duration of the study.

II. If the commissioner of the department of environmental services determines that a cessation, reduction, or other modification of such withdrawal is necessary in pursuit or exercise of the doctrine of public trust as set forth by the opinion of the attorney general dated August 2, 1989, any registered water user shall, pursuant to written notice and order, cease, reduce, or modify its withdrawal as directed, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department of environmental services and a decision is made to extend such order. The commissioner shall adopt rules, under RSA 541-A, relative to establishing criteria and procedures for issuing such orders, for such special hearings, and for making such decisions.

III. This section shall not affect any private rights of registered water users, or any riparian or littoral rights in water bodies, or the rights of water users operating pursuant to specific grants of legislative authority for water use or withdrawal, and shall not relieve registered water users, or their successors and assigns, from compliance with laws or rules under the state's police power.

IV. All registered hydro-electric facilities which continue operations consistent with available water volumes shall be deemed to be operating in a manner which is consistent with the provisions of paragraph II provided that they continue to report their usage to the division of water resources, department of environmental services, pursuant to 1983, 402:1 and RSA 482:3, for the duration of the public water rights study.

V. The provisions of this section shall in no way affect the authority of the department of environmental services regarding any use or withdrawal authorized before the effective date of this section by the legislature or within segments of rivers designated by the rivers management and protection program established under RSA 483:2.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Russman, Dist. 19

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2

Rep. Conroy, Rock. 7

Rep. Maviglio, Belk. 1

Rep. L. Smith, Hills. 21

AMENDED ANALYSIS

This bill extends the amount of time that the public water rights study committee has to submit its report by 2 years and changes the composition of the committee. It requires the report to address authorization for registered water users to continue their present water withdrawal, and recommend legislation for the 1993 legislative session. In addition it prohibits any department in the state of New Hampshire from delineating or curtailing continued water use for the duration of the study committee.

This bill also permits the commissioner of environmental services to cease, reduce or modify water withdrawal as necessary to preserve environmental quality, protect habitats, protect water quality or regulate water quantity.

The bill deems registered hydroelectric facilities which continue to operate consistent with available water volumes to continue operation for the duration of the public water rights study.

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 131-FN

The committee of conference to which was referred House Bill 131-FN, An Act relative to liability for acts which create situations requiring unnecessary emergency responses having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16

Sen. Russman, Dist. 19

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Benton, Rock. 5

Rep. Daly, Carr. 3

Rep. D. Welch, Rock. 10

Rep. Chasse, Hills. 27

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 142-FN

The committee of conference to which was referred House Bill 142-FN, An Act relative to school district budgets having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 189:47 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. For the purposes of foundation aid, Tilton and Northfield shall be considered a separate pre-existing district.

Amend the bill by inserting after section 2 the following and re-numbering the original sections 3 and 4 to read as 4 and 5:

3 Winnisquam Regional School District. All actions, votes and proceedings of the Winnisquam regional school district special meeting held on May 9, 1991, including but not limited to notices of said meeting and action taken on Article 1, the authorization for school repair bonds, are hereby legalized, ratified and confirmed.

*Conferees on the Part
of the Senate*

Sen. Disnard, Dist. 8

Sen. Heath, Dist. 3

Sen. Delahunty, Dist. 22

*Conferees on the Part
of the House*

Rep. Skinner, Rock. 21

Rep. Domaingue, Hills. 42

Rep. Searles, Hills. 19

Rep. Yeaton, Merr. 7

AMENDED ANALYSIS

This bill exempts school administrative units that comprise only one school district from the school administrative unit budget procedures. The budget for such a unit is to be included in the school district budget which is subject to the vote of the annual school district meeting.

The bill changes the method for determining how education costs shall be funded in the Tilton and Northfield Union school district.

This bill also legalizes, ratifies and confirms all actions, votes and proceedings of the Winnisquam regional school district meeting.

Senator Disnard moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 143-FN

The committee of conference to which was referred House Bill 143-FN, An Act relative to the liquor commissioner's authority to close liquor stores having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend section 1 of the bill by replacing it with the following:

1 Duties. RSA 176:3 is repealed and reenacted to read as follows:

176:3 Duties. The primary duties of the liquor commission shall be to:

I. Optimize the profitability of the commission.

II. Maintain proper controls.

III. Assume responsibility for the effective and efficient operation of the commission.

IV. Provide service to the customers of the commission, pursuant to this title.

Conferees on the Part of the Senate

Sen. McLane, Dist. 15

Sen. Russman, Dist. 19

Sen. Hollingworth, Dist. 23

Conferees on the Part of the House

Rep. R. Kelley, Hills. 13

Rep. Larson, Graf. 9

Rep. Flynn, Straf. 8

Rep. C. Brown, Graf. 13

Senator McLane moved to adopt the Committee of Conference report.

SENATOR MCLANE: I think there is one part of this Committee of Conference report that should be explained to the Senate, because I think it is an important and worthwhile change. In your Committee of Conference report, we have delineated the duties of the Liquor Commission with a slight, and I think, important change. The primary duty of the Liquor Commission is to optimize revenue or profitability. We changed the wording in the legislation in the RSAs from revenue to profitability. I think that is an important point. That is their first job. Then, as from the beginning, to maintain proper controls, assume responsibility for efficient and effective operations. And fourth, a new addition which is to provide service to the customers of the commission. We think that is an important and good change in those laws.

Adopted.

Recess.

Out of recess.

COMMITTEE OF CONFERENCE REPORT ON HB 161-FN

The committee of conference to which was referred House Bill 161-FN, An Act to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 Federal Employment as Out-of-State Service; Group II Members. Amend the introductory paragraph of RSA 100-A:4-c, I to read as follows:

I. Notwithstanding any provision of RSA 100-A to the contrary, any group II permanent policeman or permanent fireman member of the New Hampshire retirement system, in service on or after June 30, 1990, who was formerly a member of a public employees' retirement system outside of New Hampshire, shall be allowed to purchase credit for such out-of-state service as creditable service in the New Hampshire retirement system [under]; **provided, however, that creditable service in the New Hampshire retirement system which is purchased under this paragraph shall not be deemed**

creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30. For such employee or teacher members, only creditable service performed in the state of New Hampshire as a member of the New Hampshire retirement system shall be counted as creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30. For the purposes of this section, "public employees' retirement system" shall include any retirement system established and maintained by the United States government, the members of which are federal government employees. For the purposes of this section, any military service not otherwise authorized pursuant to RSA 100-A:4, IV and V shall not be included as creditable service in a public employees' retirement system. The group II permanent policeman or permanent fireman member shall meet the following conditions:

Amend the bill by deleting sections 8-11 and renumbering sections 12-14 to read as 8-10, respectively.

*Conferees on the Part
of the Senate*

Sen. Delahunty, Dist. 22
Sen. Nelson, Dist. 13
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Ward, Graf. 1
Rep. Shibley, Belk. 6
Rep. R. Wheeler, Hills. 6
Rep. Pelley, Straf. 10

AMENDED ANALYSIS

This amendment requires that those employers permitted to participate under the New Hampshire retirement system shall be solely limited to the government of the state of New Hampshire or the governments of its political subdivisions, and any agencies or instrumentalities thereof, for the purpose of maintaining the retirement system's tax exempt status as a qualified governmental pension plan meeting the requirements of sections 401(a) and 414(d) of the United States Internal Revenue Code of 1986, as amended. What constitutes a "government", "political subdivision", "agency" and or "instrumentality" for purposes of system coverage is necessarily defined with respect to applicable federal rather than state law.

Regarding those nongovernmental employers currently contributing to the system, in order to preserve the retirement system's tax exempt status as a governmental plan, such nongovernmental employers and employees shall be required to cease contributions, and those nongovernmental employees presently covered under the system shall cease to accrue benefits under the system, no later than June 30, 1991.

All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing nongovernmental employees, and the system shall cooperate with withdrawing nongovernmental employers in their establishing successor retirement plans and shall cooperate in arranging for the transfer of such employee retirement benefits earned under the system to successor retirement plans where practicable.

The bill amends the retirement system statutes by extending the right to purchase such out-of-state service to employees of the federal government, but excluding any military service credit which is not otherwise authorized by statute.

The bill also amends the 1991 appropriation made to the retirement system study committee to make it nonlapsing.

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 171-FN

The committee of conference to which was referred House Bill 171-FN, An Act relative to maintaining the "Old Man of the Mountain" having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate

Sen. W. King, Dist. 2

Sen. Oleson, Dist. 1

Sen. Fraser, Dist. 4

Conferees on the Part of the House

Rep. Schotanus, Sull. 1

Rep. LaMott, Graf. 5

Rep. Dickinson, Carr. 2

Rep. Frechette, Straf. 8

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 203-FN

The committee of conference to which was referred House Bill 203-FN, An Act relative to the confidentiality of quality assurance records of community mental health centers having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. Dupont, Dist. 6

Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. R. Foster, Carr. 4

Rep. Ziegler, Belk. 6

Rep. A. Torr, Straf. 6

Rep. K. Foster, Ches. 17

Senator J. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 210-FN

The committee of conference to which was referred House Bill 210-FN, An Act creating a committee to study artificial impoundments having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by deleting section 7-10 and renumbering section 11 to read as 7.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Currier, Dist. 7

Sen. Oleson, Dist. 1

*Conferees on the Part
of the House*

Rep. LaMott, Graf. 5

Rep. J. Chandler, Merr. 1

Rep. Vaughn, Rock. 27

Rep. Marston, Straf. 6

AMENDED ANALYSIS

This bill creates a study committee to look at the status of artificial impoundments. The committee shall submit its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor.

This bill also allows the commissioner of environmental services to provide training and educational materials to local and regional officials, and persons subject to regulation by the department.

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 250-FN

The committee of conference to which was referred House Bill 250-FN, An Act relative to the board of nursing having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 326-B:12, VI as inserted by section 5 of the bill by replacing it with the following:

VI. The board shall conduct an investigation of any person licensed by the board who has been the subject of 3 different medical injury actions reported under paragraph IV of this section within any consecutive 5-year period commencing July 1, 1986.

Conferees on the Part of the Senate

Sen. Currier, Dist. 7

Sen. Fraser, Dist. 4

Sen. Pressly, Dist. 12

Conferees on the Part of the House

Rep. Dyer, Hills. 7

Rep. Gosselin, Hills. 43

Rep. Ward, Graf. 1

Rep. A. Torr, Straf. 6

Senator Fraser moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 274-FN

The committee of conference to which was referred House Bill 274-FN, An Act relative to sentencing to county correctional facilities having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 651:18 as inserted by section 1 of the bill by replacing it with the following:

651:18 Place; Reduction in Sentence. Persons liable to commitment to a correctional facility for any offense may be committed to any county correctional facility at the discretion of the court. **If the court sentences a person to a correctional facility in a county other than the county where the offense was committed, the expense of maintenance shall be paid by the county in which the offense was committed unless waived by the receiving county department of corrections in accordance with a reciprocal or other arrangement between the counties involved.** Any prisoner whose conduct while in a county correctional facility has been meritorious may be issued a permit and discharged by the superintendent of the county department of corrections when he has served 2/3 of his minimum sentence, provided it shall appear to the superintendent to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16

Sen. Colantuono, Dist. 14

Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. Lozeau, Hills. 25

Rep. Martling, Straf. 4

Rep. Record, Hills. 23

Rep. D. Cote, Hills. 25

AMENDED ANALYSIS

The bill clarifies a county's responsibility for payment of expenses of persons confined to county correctional facilities.

The bill also permits a defendant confined in a county department of corrections facility to petition for a transfer to another county corrections facility for the purpose of facilitating work release or for other good cause shown.

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 286-FN

The committee of conference to which was referred House Bill 286-FN, An Act relative to the operation of powerboats on Long Pond in the town of Northwood having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Long Pond Restrictions. RSA 270:106 is repealed and reenacted to read as follows:

270:106 Long Pond.

I. No person shall use or operate any powerboat or any wet boat equipped with any type of power motor in excess of 10 horsepower upon Long Pond in the town of Northwood.

II. Any person who violates this section shall be guilty of a violation.

III. The provisions of this section shall not take effect until one year after the date on which the state is granted deeded public access to Long Pond in the town of Northwood.

2 Definition of "Wet Boat." RSA 270:73, V is repealed and reenacted to read as follows:

V. "Wet boat" means any motorized, private boat which is less than 13 feet in length, is capable of exceeding a speed of 20 miles per hour, and is designed with the capacity to carry only a standing operator while in operation.

3 Term Changed. The following RSA provisions and session law are hereby amended to comply with the terminology changes made necessary by section 2 of this act: RSA 72-A:2, I; the subdivision heading preceeding RSA 270:73; RSA 270:73, III, IV, and VI; RSA 270:74; RSA 270:74-a; RSA 270:74-b; RSA 270:113; 1988, 283:4.

4 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Heath, Dist. 3

Sen. Currier, Dist. 7

Sen. St. Jean, Dist. 20

*Conferees on the Part
of the House*

Rep. Haynes, Rock. 9

Rep. Katsakiores, Rock. 7

Rep. Klemarczyk, Rock. 13

Rep. Turgeon, Hills. 46

AMENDED ANALYSIS

This bill prohibits the use of powerboats or wet boats equipped with a motor in excess of 10 horsepower on Long Pond in the town of Northwood. The provisions of this bill shall not take effect unless the state is granted deeded public access to Long Pond. This bill also replaces the definition in RSA 270:73, V with a definition of wet boat.

Senator Heath moved to adopt the Committee of Conference report.

SENATOR MCLANE: I am glad that Senator Heath is back in the room. He was confident that I hadn't noticed this, but I had. HB 286 is an act relative to the operation of power boats on Long Pond in the

town of Northwood. And if you will look in your Committee of Conference report on the next page, it repeals RSA 277-73:5, which is the definition of jet skis. The good old nemesis of this board. The jet ski legislation passed this body three years ago. There have been almost 100 hearings around this state on the control of the use of jet skis on the small lakes of the state of New Hampshire. This bill would negate all of those hearings, because by changing the definition to one person standing up in the boat, it would eliminate all of those jet skis that have a person either sitting or two people in the boat. We have already seen the new type of jet ski which takes three people. In fact, I am not sure that Senator Currier hasn't bought one. That is sold in the stores under the definition, and is not affected by the jet ski law, because it was written so badly. I put in a bill to change the definition so it would include these new jet skis, but that was defeated. But this is inexcusable.

SENATOR HEATH: Senator McLane has raised an issue about definition. I was actually in Washington when my name was signed, but I gave permission for the name being signed. I don't take any responsibility away from myself. What has happened, is that the engineering of these boats has changed considerably. The boats that irritated people are the ones that are in this new definition. These are the boats that cavitated out of the water and make a lot of noise, and the definition, because of the changing technology of the crafts, was obsolete. The boats that caused the problem are very much included in this definition, and those hearings would still apply to these boats. But it is important to know that they have done a lot of things in the engineering, the design, the noise level that has changed these boats. That is why the Senate turned it down, including the three man jet ski. It was the tiny watercraft that went leaping through the water, jumping out of the water, the engines racing, that made noise, and were a little bit difficult to control, but are still included in this definition, that shouldn't be used in every area of the lakes. But these other boats are more conventional boats now. This change in the law reflects the more conventional aspect of these boats. I would urge you to go with this very difficult report that we put together with a considerable amount of work, particularly, on the Long Pond issue, which has been a small civil war over in Northwood. I think we have found an equitable way to get both parties working together and that is an important aspect of this legislation as well. The most important aspect.

SENATOR MCLANE: Senator Heath, I wonder why, at the public hearing on the other bill, or in the defeat of the other bill, you didn't

find it possible to make this, what I consider, very significant change on a bill with a public hearing, rather than slipping it in to a Committee of Conference report?

SENATOR HEATH: Senator, this had a long public hearing, one of the longest public hearings of any bill that came before my committee this session. The transcript is available. We talked a great deal about jet ski activities and jet skis. This was quite pertinent to the subject, because it was, in part, controlling jet skis.

SENATOR MCLANE: I wonder, although you claim there was a public hearing, not on this provision which does not include any jet ski that carries two people or any jet ski that carries a sitting single person. I wonder why there was no one on the Committee of Conference who would even speak for the opposing point of view?

SENATOR HEATH: Senator, this session has been a busy session, and I think you can look all through the activities of this session. There are only 24 of us in the Senate and the number of things that we have had to do, I don't think every paragraph of every issue has had public debate in the fullest sense of the word. But to suggest that every Committee of Conference be balanced with opponents and proponents of every clause and paragraph, is to ask for the impossible, if not the ideal. Certainly it is impossible during the legislative work that we have.

SENATOR MCLANE: Senator Heath, I received over 900 letters from people concerned about the jet ski issue at the time that we successfully solved it. Do you think these people, and others in the state, would be happy with the thought that a major change in a major piece of legislation was slipped into a Committee of Conference on an entirely different subject?

SENATOR HEATH: If it were characterized the way you just characterized it, probably not. Because you characterized it in a way that sounds like it was a devious plot. In fact, I represent more shoreline than any member of the body, the House or the Senate. I am very sensitive to shoreline owners. They are a good portion of my constituency. If I thought that the majority of them would find that this was a horrible thing that we had done, I don't think I would do it. In fact, what I think this addresses, is it leaves the concerns that they had about the kind of jet skis that originally made everybody angry as a hornet, because they sounded like an angry hornet on the lake. It stops the definition from harming other kinds of water craft activity that are legitimate and comparable. In fact, less of an impact, both environmentally and sound wise, than things like cigarette boats, which we haven't done anything about and other kinds of boats and water activities.

SENATOR BASS: Senator Heath, admitting the fact that this definitional question was not really a part of the original consideration of HB 286 in the Senate, and looking at my book here in which the Wildlife and Recreation committee has Senators Heath, Blaisdell, McLane, Bass, King, Cohen and Fraser. I was around last week, I would have been glad to participate in this process. Is there any particular reason, why, as Chairman of the committee, you wanted to have two members, besides yourself, on this Committee of Conference who weren't even on the committee of jurisdiction?

SENATOR HEATH: Senator, I don't remember. The fact is, I am almost 100 percent sure that I did not request who was appointed to it. I was appointed to it and the others were appointed to with no request from myself. I can't answer that which I don't know.

SENATOR RUSSMAN: I rise in support of Senator McLane's position, basically. I think that this clearly emasculates the chapter that apparently, I wasn't here when it took place. But there was quite a battle over it and for a last minute back room negotiation for this to take place, would be a shame. I would urge you not to let this pass. This certainly affects more than Long Pond which the original legislation was all about, and affects what we have been doing in the state for a year. Certainly we are sending mixed messages to the industry and to other people and I don't think that is fair to them as well. People are beginning to adapt to this very nicely. I would urge that you vote no on this resolution.

Division vote.

Yeas: 8

Nays: 13

Conference Report Fails.

Senator W. King to request a new Committee of Conference report for HB 286-FN.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 330-FN

The committee of conference to which was referred House Bill 330-FN, An Act establishing a committee to study the issue of an office of the ombudsman for children having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Committee Established; Duties: A committee is hereby established to determine the duties, powers, management structure, and operating costs of an office of ombudsman for children. The committee shall consist of the following:

I. Two members of the house children, youth and juvenile justice committee, one of whom shall chair the committee, appointed by the speaker of the house of representatives.

II. One member of the house judiciary committee, appointed by the speaker of the house of representatives.

III. One member of the house appropriations committee, appointed by the speaker of the house of representatives.

IV. Four members of the senate, appointed by the president of the senate.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. Fraser, Dist. 4

Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. W. McCain, Rock. 11

Rep. V. Cook, Hills. 42

Rep. Woods, Rock. 19

Rep. L. Johnson, Hills. 37

AMENDED ANALYSIS

This bill establishes a committee to determine the duties, powers, management structure, and operating costs of an office of ombudsman for children.

The committee shall consist of 2 members of the house children, youth and juvenile justice committee, one member of the house judiciary committee, one member of the house appropriations committee, and 4 members of the senate.

Senator J. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 323-A

The committee of conference to which was referred House Bill 323-A, An Act relative to the Cheshire Bridge and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend 1988, 251:3, I as inserted by section 3 of the bill by replacing it with the following:

I. The payment of principal and interest of the bonds and notes issued for the purchase and rehabilitation of the Cheshire Bridge authorized in section 1 of this act shall be made when due from tolls **and user fees** collected on said bridge. The state treasurer is authorized to establish a special account for this purpose.

Amend 1988, 251:4 as inserted by section 4 of the bill by replacing it with the following:

251:4 Duties. The commissioner of the department of transportation shall:

I. Acquire, operate, and maintain the privately owned Cheshire Bridge and adjoining land and appurtenances between the towns of Charlestown, New Hampshire and Springfield, Vermont through a negotiated purchase or condemnation proceedings on or before December 31, 1991.

II. Complete the bridge rehabilitation project on or before December 31, 1992.

*Conferees on the Part
of the Senate*
Sen. Nelson, Dist. 13
Sen. Disnard, Dist. 8
Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*
Rep. G. Chandler, Carr. 1
Rep. Marsh, Coos 1
Rep. Schotanus, Sull. 1
Rep. Frechette, Straf. 8

AMENDED ANALYSIS

This bill increases the appropriation to the department of transportation for the purchase and rehabilitation of the Cheshire Bridge.

All toll booths shall be eliminated when the bonds financing the purchase and rehabilitation project have been retired.

The bill also establishes a time-frame for the purchase and completed rehabilitation of the bridge.

Senator Nelson moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 325-FN

The committee of conference to which was referred House Bill 325-FN, An Act relative to reciprocity of dog training having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 of the bill with the following:
2 New Section; Telemetry Use Restricted. Amend RSA 207:1 by inserting after section 3-c the following new section:

207:3-d Use of Telemetry Equipment Restricted. No person shall use a telemetry receiver to locate trail or tree hounds from 1/2 hour before sunrise to 1/2 hour after sunset while in any motorized vehicle or within 300 feet, as measured from the center of the traveled position, of any public highway or any private road open to use by the public. Whoever violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

*Conferees on the Part
of the Senate*

Sen. Heath, Dist. 3
Sen. Cohen, Dist. 24
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Drake, Rock. 18
Rep. A. Wiggin, Carr. 4
Rep. G. Smith, Merr. 20
Rep. Schanda, Rock. 12

Senator Heath moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 328-A

The committee of conference to which was referred House Bill 328-A, An Act relative to a new Manchester district court facility and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Administrative Services. The sum of \$250,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1992, for the site location, design, architectural plans and rehabilitation and renovation of a

new Manchester district court facility. In planning this facility, the department of administrative services shall consider issues including cost, accessibility, and needs for space now and in the future for such purposes as storage of records, building security, separation of adult and juvenile detainees, and private conference rooms. The department of administrative services shall adopt plans for the facility after consultation with the current Manchester district court justices and the capital budget overview committee.

*Conferees on the Part
of the Senate*

Sen. Nelson, Dist. 13

Sen. J. King, Dist. 18

Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1

Rep. Alukonis, Hills. 19

Rep. LaMott, Graf. 5

Rep. O'Rourke, Hills. 35

Senator Nelson moved to have HB 328, Laid On The Table.

Adopted.

HB 328, IS LAID ON THE TABLE.

COMMITTEE OF CONFERENCE REPORT ON HB 334-FN

The committee of conference to which was referred House Bill 334-FN, An Act relative to the establishment of agency liquor stores having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 177:11, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Neither the proposed agency liquor store nor any state liquor store is within 5 road miles of an existing state liquor store or an existing agency liquor store.

Amend RSA 177:11, III as inserted by section 3 of the bill by replacing it with the following:

III. In the event that a proposed agency liquor store will replace a state liquor store, the commission shall make reasonable efforts, to provide state employees other positions, if available.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15

Sen. Russman, Dist. 19

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Behrens, Sull. 3

Rep. W. Desrosiers, Hills. 43

Rep. McKinney, Rock. 23

Rep. Reidy, Hills 45

Senator McLane moved to have HB 334, Laid On The Table.

Adopted.

HB 334, IS LAID ON THE TABLE.

COMMITTEE OF CONFERENCE REPORT ON HB 341-FN

The committee of conference to which was referred House Bill 341-FN, An Act relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Disnard, Dist. 8

Sen. Hough, Dist. 5

Sen. J. King, Dist. 18

*Conferees on the Part
of the House*

Rep. Larson, Graf. 9

Rep. Kurk, Hills. 3

Rep. Guest, Graf. 12

Rep. Hoelzel, Rock. 6

Senator Disnard moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 352-FN

The committee of conference to which was referred House Bill 352-FN, An Act relative to the oil discharge and disposal cleanup fund having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 5 with the following:

6 Fee Changed; July, 1993. Amend RSA 146-A:11-b, II to read as follows:

II. Any operator, distributor, dealer, or broker who or any whole-sale terminal facility which imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed under this chapter. The annual fee for the license shall be [\$.001] **\$.025** per [gallon] **barrel** of oil which shall be assessed at the time of sale. The fee shall be paid monthly by the licensee to the department of safety and then deposited by the department of safety into the oil pollution control fund administered by the division of water supply and pollution control. Imposition of the fee shall be based on the records of the licensee and certified as accurate to the department of safety. The fee set in this paragraph shall not apply to [1,000 gallons] **25 barrels** of oil or less, when the oil is packaged in individual containers of [55 gallons or] less **than one barrel**.

7 New Section; Competitive Bidding Required; Rulemaking. Amend RSA 146-D by inserting after section 5 the following new section:

146-D:5-a Competitive Bidding Required; Rulemaking.

I. The commissioner of environmental services shall enter into the competitive bidding process for any project undertaken by the department of environmental services under the authority of this chapter with an estimated cost of \$2,000 or more. The commissioner may enter the competitive bidding process for any such project with an estimated cost of less than \$2,000.

II. The commissioner of environmental services shall adopt rules, pursuant to RSA 541-A, relative to the competitive bidding process to be used under this section.

8 Effective Date.

I. Section 5 of this act shall take effect July 1, 1991.

II. Section 6 of this act shall take effect July 1, 1993.

III. The remainder of this act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Fraser, Dist. 4

Sen. Heath, Dist. 3

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2

Rep. Lewis, Merr. 5

Rep. Stamatakis, Sull. 4

Rep. Holbrook, Belk. 13

AMENDED ANALYSIS

The bill redefines oil for the purposes of the oil discharge and disposal cleanup fund. The bill also clarifies what expenses are eligible for reimbursement through the fund.

This bill allows the oil fund disbursement board to employ legal counsel, with the approval of governor and council, to assist it in its duties.

In addition, this bill changes the annual fee for a license from \$.025 per barrel to \$.001 per gallon, for the 1991-93 biennium.

This bill also requires the commissioner of environmental services to enter into the competitive bidding process for projects undertaken under RSA 146-D, the oil discharge and disposal cleanup fund, with an estimated cost of \$2,000 or more and to establish rules relative to the competitive bidding process.

Senator Heath moved to request a new Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 363-FN

The committee of conference to which was referred House Bill 363-FN, An Act relative to criminal record checks and fees charged for criminal record checks having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the introductory paragraph of RSA 106-B:14, I as inserted by section 2 of the bill by replacing it with the following:

I. With the approval of the commissioner of safety, the director shall adopt rules under RSA 541-A as may be necessary to secure records and other information relative to persons who have been convicted of a felony [or an attempt to commit a felony], **misdeemeanor or violation** within the state, or who are known to be habitual criminals, or who have been placed under arrest in criminal proceedings. **The term "violation" as used in this section shall apply only to violations committed under title LXII.** Such records and information shall not be open to the inspection of any person except those who may be authorized to inspect the same by the director; as follows:

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16

Sen. Hollingworth, Dist. 23

Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Lozeau, Hills. 25

Rep. C. W. Johnson, Merr. 5

Rep. D. Cote, Hills. 25

Rep. R. Campbell, Belk. 5

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 416-FN-A

The committee of conference to which was referred House Bill 416-FN-A, An Act relative to drug-free school zones and making appropriations therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 New Section; Drug-Free Zones; Town Bylaws for Public Housing Authorities. Amend RSA 31 by inserting after section 41-d the following new section:

31:41-e Drug-Free Zones; Public Housing Authorities. A town may adopt bylaws establishing as a drug-free zone any area inclusive of public housing authority property and within 1,000 feet of such public housing authority property. Any person violating such bylaw shall be guilty of violation, in addition to any penalties imposed under RSA 318-B. If such drug-free zones are established, the town shall publish a map clearly indicating the boundaries of such drug-free zone, which shall be posted in a prominent place in the district or municipal court of jurisdiction, the local police department, and on the public housing authority property. The town shall also develop signs or markings for the drug-free zone which shall:

I. Be posted in one or more prominent places in or near the public housing authority property; and

II. Indicate that the posted area is a drug-free zone which extends to 1,000 feet surrounding such property; and

III. Warn that a person who violates RSA 318-B, the controlled drug act, within the drug-free zone, shall be subject to severe criminal penalties under RSA 318-B and a penalty of up to \$1,000 under this section.

7 New Paragraph; Drug-Free Zones; Powers of City Councils Relating to Public Housing Authorities. Amend RSA 47:17 by inserting after paragraph XVI the following new paragraph:

XVII. Establish as a drug-free zone any area inclusive of public housing authority property and within 1,000 feet of such public housing authority property. If such drug-free zones are established, the municipality shall publish a map clearly indicating the boundaries of such drug-free zone, which shall be posted in a prominent place in the district or municipal court of jurisdiction, the local police department, and on the public housing authority property. The municipality shall also develop signs or markings for the drug-free zone which shall:

(a) Be posted in one or more prominent places in or near the public housing authority property; and

(b) Indicate that the posted area is a drug-free zone which extends to 1,000 feet surrounding such property; and

(c) Warn that a person who violates RSA 318-B, the controlled drug act, within the drug-free zone, shall be subject to severe criminal penalties under RSA 318-B and a penalty of up to \$1,000 under this paragraph.

8 Committee Established.

I. There is established a committee to study the feasibility of establishing as drug-free zones the property comprising and surrounding public parks, playgrounds and public housing authorities. The committee shall consider the consequences of imposing enhanced criminal penalties for violations of RSA 318-B, the controlled drug act, within such drug-free zones. The committee shall consist of the following:

(a) Two senators, appointed by the senate president.

(b) Two house members, appointed by the speaker of the house.

(c) One representative of the New Hampshire Municipal Association, appointed by such association.

(d) Two public members, one from the law enforcement community and one from the N.H. Association of Public Housing Authorities, appointed by the governor.

II. The committee shall meet within 30 days of the effective date of this section. The committee shall elect a chairperson from among its members. Legislative members shall receive mileage at the legislative rate.

III. The committee shall submit a report on its findings, including recommendations for legislation to be introduced in the 1992 legislative session, to the speaker of the house, the senate president and the governor on or before November 1, 1991.

9 Effective Date.

- I. Sections 3, 4 and 5 of this act shall take effect July 1, 1991.
- II. Section 8 of this act shall take effect upon its passage.
- III. The remainder of this act shall take effect January 1, 1992.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Nelson, Dist. 13
Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. McCain, Rock. 11
Rep. Hawkins, Belk. 5
Rep. Wallner, Merr. 21
Rep. Bean, Graf. 13

AMENDED ANALYSIS

This bill defines a drug-free school zone in the state as any area within 1,000 feet of any property used for school purposes by any school, whether or not owned by such school, and within or immediately adjacent to school buses. The bill imposes enhanced penalties for any person who manufactures, sells, prescribes, administers, dispenses, or possesses with intent to sell, dispense, or compound any controlled drug or its analog, in a drug-free school zone at any time of the year.

The bill requires school administrative units to publish maps of and post signs at drug-free school zones. The department of education, in consultation with the New Hampshire Police Chief's Association, is required to adopt rules relative to the posting with signs of such zones.

The bill establishes a toll-free hotline for the purpose of responding anonymous information on drug activity to local law enforcement agencies. The department of safety is responsible for coordinating and adopting rules for the establishment and operation of the hotline. The toll-free number for the hotline is to be displayed on the drug-free school zone signs developed by the department of education.

This bill appropriates funds to the department of education and the department of safety.

The bill enables a town or city to establish by bylaw or ordinance a drug-free zone for public housing authority property.

The bill also establishes a committee to study establishing drug-free zones with enhanced criminal penalties for public housing authorities, public parks and playgrounds.

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 451-FN

The committee of conference to which was referred House Bill 451-FN, An Act relative to the licensing of residential care and health facilities having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 9 with the following:

9 New Paragraph; Rulemaking. Amend RSA 151:9 by inserting after paragraph VI the following new paragraph:

VII.(a) The rules adopted under RSA 151:9, I for residential care facilities shall, in establishing licensure classifications, recognize the following licensure levels which correspond to a continuum of care requiring different programs and services to assure quality of life in the least restrictive environment possible:

(1) Residential care, requiring a minimum of regulation and reflecting the availability of assistance in personal and social activities with a minimum of supervision or health care, which can be provided in a home or home-like setting.

(2) Supported residential health care, reflecting the availability of social or health services, as needed, from appropriately trained or licensed individuals, who need not be employees of the facility, but shall not require nursing services complex enough to require 24-hour nursing supervision. Such facilities may also include short-term medical care for residents of the facility who may be convalescing from an illness and these residents shall be capable of self-evacuation.

(3) Nursing facilities providing a range of social and health services, including 24-hour-a-day supervision and the provision of medical care and treatment, according to a plan of care, by appropriately trained or licensed individuals who are employees of or who are under contract to the facility.

(4) Special needs residential facilities, other than specialty hospitals, which, in addition to meeting the criteria of subparagraph (1), (2), or (3), reflect the availability of specialized supervision and treatment appropriate to the needs of the residents being cared for by appropriately trained or licensed individuals.

(b) Additional levels of classification may be established within each major level, and a facility may hold more than one license. The director of the division of public health services may, in adopting

rules under RSA 151:9, I, establish limits on the number of residents to be cared for at different licensure levels.

Amend the bill by replacing section 11 with the following:

11 New Section; Exception Added. Amend RSA 151 by inserting after section 21 the following new section:

151:21-a Exception for Acute Care Hospital. Acute care hospitals licensed under this chapter are exempt from RSA 151:21, II, VI, XV and XVII.

Amend the bill by inserting after section 14 the following and re-numbering the original section 15 to read as 16:

15 Committee Established.

I. A committee is hereby established to review RSA 151:21, relative to the Patients' Bill of Rights, and to recommend any changes necessary in its applicability to health facilities licensed under RSA 151. The members of the committee shall be as follows:

(a) Two members of the house, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

(c) One member, appointed by the New Hampshire Hospital Association.

(d) One member, appointed by the New Hampshire Health Care Association.

(e) One member, appointed by the New Hampshire chapter of the American Association of Retired Persons.

(f) One member, appointed by the Alliance for the Mentally Ill of New Hampshire.

(g) One public member, appointed by the governor.

(h) One member, appointed by the Developmental Rights Center.

(i) One member, appointed by the New Hampshire Association of Residential Care Facilities.

(j) One member, appointed by New Hampshire Legal Assistance.

II. The committee shall report its findings and recommendations for legislation to the speaker of the house and the senate president on or before November 1, 1991.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. Fraser, Dist. 4

Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. R. Foster, Carr. 4

Rep. K. Wheeler, Straf. 4

Rep. Ziegra, Belk. 6

Rep. Holmes, Merr. 13

AMENDED ANALYSIS

This bill clarifies the facilities which are to be licensed under RSA 151 and the levels of licensure for certain residential care facilities. The bill also clarifies the procedures for inspections, investigations and issuing warnings for noncompliance with the licensure requirements for health facilities.

The bill also establishes a committee to study RSA 151:21, relative to the Patients' Bill of Rights.

Senator J. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 461-FN

The committee of conference to which was referred House Bill 461-FN, An Act relative to notice for out of district placement by the court having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5.

4 Out-of-District Placement. Amend RSA 186-C:19-b, I to read as follows:

I.(a) As used in this section "children in placement for which the division for children and youth services has financial responsibility" means all children receiving special education or special education and educationally related services whose placements were made pursuant to RSA 169-B, 169-C or 169-D, except children at the youth development center and children placed at the youth services center maintained by the division for children and youth services while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13.

(b) In the case of an out-of-district placement, the appropriate court shall notify the department of education on the date that the court order is signed, stating the initial length of time for which such placement is made. This subparagraph shall apply to the original order and all subsequent modifications of that order.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Disnard, Dist. 8
Sen. Hough, Dist. 5

*Conferees on the Part
of the House*

Rep. Robinson, Hills. 12
Rep. Connell, Rock. 4
Rep. Mayhew, Coos 3
Rep. Accornero, Belk. 10

AMENDED ANALYSIS

This bill requires the court to notify the department of education when an out-of-district placement is made for a child receiving special education or special education and educationally related services. This bill also requires the court to state the initial length of time for which the out-of-district placement is made.

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 462

The committee of conference to which was referred House Bill 462, An Act relative to special education hearing officers having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; Special Education Hearing Officers. Amend RSA 186-C by inserting after section 16 the following new section:

186-C:16-a Special Education Hearing Officers. Hearing officers appointed by the department of education to hear special education impartial due process appeals shall have the authority to compel the attendance of witnesses in accordance with RSA 516:1 including issuing subpoenas for parents who are representing themselves. Any costs incurred in issuing a subpoena shall be the responsibility of the party requesting the subpoena, unless otherwise determined by the hearing officer. The state board of education may adopt rules pursuant to RSA 541-A to implement the provisions of this section, including guidelines to be used for consideration by the hearing officers in determining the responsibility of costs of the subpoena. Nothing in this section shall prohibit any justice from issuing a subpoena for such hearing in accordance with RSA 516:3.

*Conferees on the Part
of the Senate*

Sen. Disnard, Dist. 8
Sen. Hough, Dist. 5
Sen. Humphrey, Dist. 17

*Conferees on the Part
of the House*

Rep. Hoelzel, Rock. 6
Rep. Laurent, Ches. 2
Rep. Spencer, Straf. 4
Rep. Flint, Sull. 2

Senator Disnard moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 486-FN

The committee of conference to which was referred House Bill 486-FN, An Act relative to collection of forfeitures of recognizances by the division of motor vehicles having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 597:38-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Whenever a party recognized to appear for any offense involving driving makes default and the recognizance is declared forfeited, the court shall send a notice of default to the division of motor vehicles. The division shall send a notice to the person owing the recognizance, demanding payment within 30 days and stating that failure to make payment within the 30-day period shall result in suspension of such person's driver's license or driving privilege until such time as the person provides proof to the department of safety that he has paid the amount of the forfeited recognizance to the court.

*Conferees on the Part
of the Senate*

Sen. Oleson, Dist. 1
Sen. Russman, Dist. 19
Sen. Heath, Dist. 3

*Conferees on the Part
of the House*

Rep. Jacobson, Merr. 2
Rep. Martling, Straf. 4
Rep. N. Ford, Hills. 24
Rep. Wall, Straf. 4

AMENDED ANALYSIS

This bill establishes a procedure for the collection of forfeitures of recognizances for an offense involving driving by the court. It requires that persons failing to make payment for such forfeitures within a certain time period have their drivers' licenses or privileges suspended.

Money received by the commissioner of the department of safety under this bill are paid into a special DWI bench warrant fund.

The bill grants rulemaking authority to the commissioner of the department of safety relative to disbursement of moneys from the special fund for the payment of certain law enforcement costs associated with bench warrants.

Senator Oleson moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 488-FN

The committee of conference to which was referred House Bill 488-FN, An Act relative to the flexible spending programs having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Nelson, Dist. 13

Sen. Delahunty, Dist. 22

Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Ward, Graf. 1

Rep. Shibley, Belk. 6

Rep. R. Wheeler, Hills. 6

Rep. Pelley, Straf. 10

Senator Nelson moved to have HB 488, Laid On The Table.

Adopted.

HB 488, IS LAID ON THE TABLE.

COMMITTEE OF CONFERENCE REPORT ON HB 502-FN-A

The committee of conference to which was referred House Bill 502-FN-A, An Act relative to child care resource and referral systems and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the introductory paragraph of RSA 170-E:5-a as inserted by section 2 of the bill by replacing it with the following:

170-E:5-a Child Care Resource and Referral Services. The department of health and human services shall develop and implement a plan, such plan to be fully funded by federal moneys for child care resource and referral services which shall have the following responsibilities and duties to the public:

Amend RSA 170-E:5-a, V as inserted by section 2 of the bill by replacing it with the following:

V. Provide assistance to state human service agencies in seeking child care for such agencies' clients.

Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$1 is hereby appropriated to the department of health and human services for the biennium ending June 30, 1993, for the purposes of this act. The implementation of this act shall depend upon 100 percent of the financing being provided by funds from federal grants. The department is authorized to accept and expend federal funds that may be available for the purposes of this act. This appropriation is nonlapsing and is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. Bass, Dist. 11

Sen. St. Jean, Dist. 20

*Conferees on the Part
of the House*

Rep. McCain, Rock. 11

Rep. Robinson, Hills. 12

Rep. E. Gagnon, Hills. 47

Rep. Trombly, Merr. 4

AMENDED ANALYSIS

This bill requires the department of health and human services, to develop and implement a plan, to be fully funded by federal money for child care resource and referral services.

This bill appropriates the sum of \$1 to the department of health and human services.

Senator J. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 509

The committee of conference to which was referred House Bill 509, An Act clarifying the definition of public benefit relative to permitting solid waste facilities having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 149-M:10-c, VII as inserted by section 3 of the bill by replacing it with the following:

VII. Any proposed solid waste facility to be owned and controlled by a solid waste district, or a member municipality on behalf of its solid waste district, shall be deemed to fulfill the requirements of subparagraph III(a) provided that it is built within the district and shall serve only the capacity needs of that district. Any permit issued for a facility which fulfills the public benefit requirement by relying on this paragraph shall state that the facility is limited to receiving solid waste generated within that district.

Conferees on the Part of the Senate

Sen. W. King, Dist. 2
Sen. Russman, Dist. 19
Sen. Currier, Dist. 7

Conferees on the Part of the House

Rep. Scanlan, Graf. 11
Rep. Trombly, Merr. 4
Rep. J. Bradley, Carr 6
Rep. Burnham, Ches. 5

Senator W. King moved to adopt the Committee of Conference report.

SENATOR W. KING: I rise in support of the amendment, but I want to clarify one section of the law, just so everybody understands the intent of it. Because the intent may not be clear and I had the intent written up by the Commissioner of Environmental Services so that it would be on the public record. I want to make sure that the record reflects the legislative intent of RSA 149-M:10-c, IV-B which is part of this legislation. This subparagraph was inserted in direct response to industry's concerns expressed at the public hearing on the bill that the public benefit determination required by RSA 149-M:10-c might adversely impact the ability of proposed solid waste facilities to secure financing. Sub-paragraph 3-b was intended to allow DES to factor into its public benefit determination under the

criteria in RSA 149:M-10-c-3, a concern for the proposed facilities economics from the applicants point of view. It was intended to authorize DES to substitute its judgment for the applicant's judgment that a proposed facility makes economic sense. DES does not possess the expertise to second guess an applicant's conclusion that its proposed facility is economically viable. I urge the Senate to vote to approve the conference committee report on HB 509 with this intent.

SENATOR HEATH: Does anybody know what he just said?

SENATOR W. KING: I could read it again, if you would like. I will tell you quite honestly, that the concern that was brought forward by industry was that while we were taking a look at environmental issues, which this bill directly addresses, that we also consider when we were looking at a business for permitting the economic impacts of that. This was placed into the bill for that reason, in response to those concerns. What it was not placed in there for, was to allow the Department of Environmental Services to make a judgment about whether a business was going to be financially viable or not. They do not have the expertise to do that. They should not be doing that. That has to be left to the private sector to make that determination.

SENATOR HEATH: With what you just said, would you believe, I agree?

Senator Russman moved to have HB 509, Laid On The Table.

Adopted.

HB 509, IS LAID ON THE TABLE.

COMMITTEE OF CONFERENCE REPORT ON HB 515-FN

The committee of conference to which was referred House Bill 515-FN, An Act exempting the purchase of certain property on which dams are located from the requirement of legislative approval having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Acquisition of Certain Dams. Amend RSA 482:48 by inserting after paragraph II the following new paragraphs:

III.(a) Governor and council approval having been granted, legislative approval is hereby given to the land conservation investment program to accept the following dams and assign to the department of resources and economic development for management purposes, including but not limited to operation and minor maintenance of said structures, as follows:

(1) Little bog pond dam, Odell, dam #185.03.

(2) Trio ponds dam, Odell, dam #185.02.

(b) The governor and council shall authorize the acceptance of Meadow lake dam in Northwood, dam #183.16, by the land conservation investment program only after all repairs have been completed, and the dam is deemed satisfactory through an inspection by the division of water resources. Upon acceptance, the land conservation investment program shall assign the dam and any contiguous property to the department of resources and economic development for management purposes, including but not limited to operation and minor maintenance of said structures.

(c) The land conservation investment program shall provide funding to repair the dams listed in subparagraph (a) and (b) in an amount not to exceed a total of \$90,000.00, provided that the repairs are completed by June 30, 1993, to the satisfaction of the division of water resources.

(d) Any property that the state is authorized to acquire under this subdivision shall be exempt from taxation as long as the property is held by the state.

IV. Notwithstanding any of the above provisions, the New Hampshire fish and game department is authorized to accept Garland pond dam, Ossipee dam #188.19 in its current state of disrepair, for the purpose and intent of future dam construction for wildlife management.

2 Fund Continually Appropriated. Amend RSA 482:55 to read as follows:

482:55 Fund Established. For the state of New Hampshire to meet its commitments to maintain its dams and impoundments for future generations and promote the safety of the public, there is established a dam maintenance fund to cover the cost of performing work on state-owned dams. This fund shall be a nonlapsing **fund which shall be continually appropriated for the purposes of this section.**

3 References Changed. Amend RSA 482:57 to read as follows:

482:57 Expenditure. Notwithstanding other provisions of law, the commissioner of environmental services shall expend such sums from the dam maintenance fund as are necessary for performance of work on state-owned dams only in the following categories:

I. Minor projects and emergency repairs, which may be completed by force account methods by the division of water resources [in accordance with the provisions of the manual of procedure].

II. Repair projects, which may be completed by force account methods by the division of water resources [and shall be authorized] **on dams, approved for acquisition** by the legislature, with the approval of governor and council.

III. Reconstruction projects, which shall be completed by contract construction or force account [and shall be authorized] **on dams, approved for acquisition** by the legislature, with the approval of governor and council.

4 New Subparagraph; Ossipee Lake Dam Added. Amend RSA 482:48, II by inserting after subparagraph (q) the following new subparagraph:

(r) The Ossipee lake dam, land and other rights located in Effingham, New Hampshire from the Central Main Power Co. of Augusta, Maine provided, however, that the towns of Ossipee, Freedom and Effingham shall enter into an agreement with the water resources division, which agreement provides that the said towns of Ossipee, Freedom and Effingham shall accept the responsibility for the operation and maintenance of the Ossipee lake dam under the supervision of the water resources division.

5 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Currier, Dist. 7

Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2

Rep. Lewis, Merr. 5

Rep. Maviglio, Belk. 1

Rep. Beach, Carr. 6

AMENDED ANALYSIS

This bill gives the legislative approval by the governor and council, to the land conservation investment program to accept certain dams so long as the costs to repair such dams shall be paid by the current owners prior to the state taking title.

This bill also allows the commissioner of environmental services to expend funds from the dam maintenance fund as are necessary for the performance of work on state-owned dams only if the dams have been approved for acquisition by the legislature.

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 523-FN

The committee of conference to which was referred House Bill 523-FN, An Act relative to local cease and desist orders for zoning, planning and code violations having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. Colantuono, Dist. 14

Sen. J. King, Dist. 18

*Conferees on the Part
of the House*

Rep. Metzger, Ches. 11

Rep. Lown, Hills. 9

Rep. P. Cote, Rock. 11

Rep. Salatiello, Belk. 3

Senator Colantuono moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 532

The committee of conference to which was referred House Bill 532, An Act relative to the color of ballots used in municipal elections having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Limitation on Time for Holding Special Town Meeting. Amend RSA 39:1 to read as follows:

39:1 Meetings, When Held. A meeting of every town shall be holden annually on the second Tuesday of March for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor. **In no event shall a special town meeting be held on the biennial election day.**

5 Limitation on Time for Holding Special Town Meeting. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual [or biennial] meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. Upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. **In no event shall a special town meeting be held on the biennial election day.**

6 Special School Meeting. Amend RSA 197:2 to read as follows:

197:2 Special. A special meeting of a school district shall be held whenever, in the opinion of the school board, there is occasion therefor, or whenever 50 or more voters, or 1/4 of the voters of the district, whichever is less, shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired. **In no event shall a special school district meeting be held in conjunction with the biennial election.**

7 New Paragraph; Town Election. Amend RSA 669:1 by inserting after paragraph II the following new paragraph:

III. No town election shall be held in conjunction with the biennial election.

8 School District Election. Amend RSA 671:2 to read as follows:

671:2 Election Dates. School district officers shall be elected either at the town meeting as provided in RSA 671:22-26 or at an annual meeting of the district, held between the dates set forth in RSA 197:1. **Notwithstanding any other provision of law including the provisions of 1969, 618 relative to the time for holding school district elections in the city of Claremont, no election for school district officers shall be held in conjunction with the biennial election. The prohibition in this section against holding an election for school district officers in conjunction with the biennial**

election shall not apply to the election of the board of education members of the Concord union school district as provided in 1961, 355 as amended by 1983, 123, to the election of the Laconia board of education members as provided in section 9:01 of the city charter of Laconia as amended by 1975, 357, or to the election of the school boardmembers of the union school district of the city of Keene, as provided in 1967, 566.

9 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Bass, Dist. 11

Sen. Roberge, Dist. 9

Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. Holden, Hills. 9

Rep. P. White, Graf. 6

Rep. Flanagan, Rock. 8

Rep. Kingsbury, Ches. 14

AMENDED ANALYSIS

This bill provides that if a city or town uses more than one ballot in a municipal election, each ballot shall be a different color.

The bill also prohibits towns and school districts from holding regular business meetings or elections on biennial election day, except for the school districts in Concord, Laconia, and Keene.

Senator Bass moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 560-FN

The committee of conference to which was referred House Bill 560-FN, An Act relative to bacteriological standards and reclassifying certain waters having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 485-A:8, III as inserted by section 4 of the bill by replacing it with the following:

III. [Class C waters shall be of the third highest quality and] **The waters in temporary partial use areas established under paragraph II shall be free from slick, odors, turbidity, sludge deposits, and surface-floating solids of unreasonable kind or quantity, shall contain not less than 5 parts per million of dissolved oxygen; shall**

have a hydrogen ion concentration within the range of pH 6.0 to [8.5] 9.0 except when due to natural causes; and shall be free from chemicals and other materials and conditions inimical to [fish] aquatic life or the maintenance of [fish] aquatic life. **These criteria shall apply during combined sewer overflow discharges and up to 3 days following cessation of said discharge. These criteria shall also apply for a period of up to 21 consecutive days, to surface waters which receive effluent from an existing municipal wastewater treatment facility when the flow in those surface waters falls below 25 cubic feet per second (cfs) and when those waters are subject to a dilution factor of not greater than 2.5. At all other times the standards and uses specified in paragraph II shall apply.** [Any stream temperature increase associated with the discharge of treated sewage, waste or cooling water shall not be such as to appreciably interfere with the uses assigned to this class. The waters of this classification shall be considered as being acceptable for recreational boating, fishing, or for industrial water supply uses either with or without treatment depending upon individual requirements.]

Amend the bill by replacing section 8 with the following:

8 Recreational Mining. Paragraph III of section 10 of HB 443-FN-A of the 1991 legislative session is repealed and reenacted to read as follows:

III. In addition to its other tasks, the committee shall examine the issue of recreational mining in the state's rivers, and make a report by November 1, 1991. Such activity may proceed without a permit issued by the New Hampshire wetlands board until April 1, 1992, provided the activity is conducted within the following guidelines:

- (a) Work is to be done in the bed of the stream or river with no disturbance to the banks.
- (b) There shall be no use of mercury or chemicals for extraction.
- (c) Streams or rivers shall not be dammed or altered.
- (d) Power equipment for mining and dredging shall be limited to 5 horsepower and shall not have any fuel, oil, or hydraulic leaks.
- (e) Dredges shall be limited to 4-inch diameter intake.
- (f) Sluice and rocker boxes shall be limited to 10 square feet.
- (g) Written permission from the landowner shall be obtained by the miner if said miner crosses his property.

Amend the bill by replacing section 10 with the following:

10 Contingency. If HB 443-FN-A, "An act relative to shoreland protection and making an appropriation therefor and relative to pesticide applications," of the 1991 legislative session becomes law, section 8 of this act shall take effect at 12:01 a.m. on the effective date of

section 10 of HB 443-FN-A. If HB 443-FN-A does not become law, section 8 of this act shall not take effect.

11 Effective Date.

I. Section 8 of this act shall take effect as provided in section 10 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Conferees on the Part of the Senate

Sen. W. King, Dist. 2

Sen. Russman, Dist. 19

Sen. Fraser, Dist. 4

Conferees on the Part of the House

Rep. L. Smith, Hills. 21

Rep. C.F. Buckley, Coos 2

Rep. Martin, Hills. 26

Rep. Trombly, Merr. 4

AMENDED ANALYSIS

This bill changes the current pathogen indicator for classifying surface waters from a coliform bacteriological standard to the inclusion of *Escherichia coliform* (*E. coli*) for freshwaters and enterococci for marine waters.

This bill also changes the classification system of the state's surface waters by upgrading all surface waters which are presently classified as C to B, but allowing for temporary partial use areas for waters which do not meet class B criteria, and eliminates the class C classification for surface waters.

In addition this bill requires the department of environmental services to make a biennial report of its water sampling findings to the governor and council, the senate environment committee and the house resources, recreation and development committee.

This bill also establishes a study committee to examine the issue of recreational mining in the state's rivers who shall make a report by November 1, 1991.

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 563-FN

The committee of conference to which was referred House Bill 563-FN,

An Act relative to the creation of trust funds and relative to unanticipated school funds having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 198:20-c, III as inserted by section 2 of the bill by replacing it with the following:

III. A trust fund created under the provisions of this section that is established for the purpose of maintaining health insurance funds for the benefit of employees and retired employees of any school district shall be exempt from the provisions of paragraph II, and when so established, the school district may name its own trustees who may expend any funds in the trust for the payment of health claims or health insurance premiums for the benefit of any employees or retired employees of the school district. An annual accounting and report of the activities of the trust shall be presented to the school board of the district and published in the annual report.

*Conferees on the Part
of the Senate*

Sen. Disnard, Dist. 8

Sen. Hough, Dist. 5

Sen. J. King, Dist. 18

*Conferees on the Part
of the House*

Rep. Carter, Merr. 5

Rep. Hoelzel, Rock. 6

Rep. Caswell, Rock. 12

Rep. P. Brown, Graf. 11

Senator Disnard moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 572

The committee of conference to which was referred House Bill 572, An Act relative to exclusions in automobile insurance having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Delahunty, Dist. 22

Sen. Bass, Dist. 11

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Krueger, Sull. 6

Rep. Foss, Straf. 10

Rep. Tsiros, Straf. 2

Rep. Arnesen, Graf. 7

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 576-FN

The committee of conference to which was referred House Bill 576-FN, An Act relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 402:29 as inserted by section 3 of the bill by replacing it with the following:

402:29 Loans to Transferred Employees. A company may lend funds, on a secured basis, to an employee to defray, in whole or in part, the expenses of such employee who has been transferred. The maximum amount of any such loan to an employee shall be \$250,000. This section also shall not prohibit the taking of a secured mortgage by a company on real property serving as the residence of any of its officers, employees, or directors. Such mortgage shall not exceed 85 percent of the appraised value of such realty as determined by an independent appraiser or the market value, whichever is the lesser amount. One of the terms of such mortgage shall provide that the outstanding balance of the mortgage becomes immediately due and payable to the company upon termination of the employment, or officer or director relationship, between the company and the mortgagor, or upon termination of said person's ownership of said real property.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Applicability of Federal Law. Amend RSA 402 by inserting after section 81 the following new section:

402:82 Applicability of Federal Law. No provisions of this title relating to investments shall be preempted by the provisions of the federal Secondary Mortgage Market Enhancement Act of 1984 (15 U.S.C. Sec 77r-l). The provisions of this title specifically pertaining to, or otherwise affecting, investments of the type specified in the federal Secondary Mortgage Market Enhancement Act of 1984 shall remain in full force and effect notwithstanding the provisions of the Secondary Mortgage Market Enhancement Act of 1984.

8 Effective Date.

I. Section 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1992.

*Conferees on the Part
of the Senate*

Sen. Delahunty, Dist. 22

Sen. Blaisdell, Dist. 10

Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Fair, Merr. 7

Rep. Krueger, Sull. 6

Rep. D. Christy, Graf. 11

Rep. Syracuse, Rock. 26

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 577

The committee of conference to which was referred House Bill 577, An Act relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by deleting section 6 and renumbering section 7 to read as 6.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. Colantuono, Dist. 14

Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. Peyron, Sull. 2

Rep. E. Lawrence, Hills. 20

Rep. Barnes, Rock. 6

Rep. Vaughn, Rock. 27

AMENDED ANALYSIS

This bill confirms the intent of 1986, 229:3 by re-emphasizing that once an applicant has submitted a development application to the planning board, and the application has been accepted by the planning board as complete, the applicant shall not be affected by any subsequent zoning change or amendment made by the local legislative body.

The bill also confirms the intent of chapter 477:1 of the laws of 1983 by adding language to take into account subsequent changes in site plan review regulations once a plat is approved by the planning board and recorded in the registry of deeds.

The bill also redefines "airport district" for purposes of the Pease development authority.

Senator Colantuono moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 581

The committee of conference to which was referred House Bill 581, An Act relative to personal property of tenants having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate

Sen. Currier, Dist. 7
Sen. Humphrey, Dist. 17
Sen. Pressly, Dist. 12

Conferees on the Part of the House

Rep. Coffey, Rock. 18
Rep. Ouellette, Hills. 48
Rep. Calawa, Hills. 14
Rep. Molner, Merr. 3

Senator Humphrey moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 595-FN

The committee of conference to which was referred House Bill 595-FN, An Act relative to citations for building code and land use violations having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 676:17-a, II as inserted by section 2 of the bill by inserting after subparagraph (g) the following new subparagraph and relettering (h)-(k) to read as (i)-(l), respectively:

(h) The amount of the civil penalty as set forth in RSA 676:17, I(b), which is payable by the offender for each day the violation continued subsequent to such written notice, up to a maximum of 5 days' violation charged in one citation.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16

Sen. Humphrey, Dist. 17

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Perry, Ches. 10

Rep. Nordgren, Graf. 12

Rep. Barnes, Rock. 6

Rep. R. Gage, Hills. 6

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 603-FN

The committee of conference to which was referred House Bill 603-FN, An Act to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph I and II of section 2 of the bill by replacing them with the following:

I. Two school board members, appointed by the New Hampshire School Boards Association.

II. Two elected municipal officials, which may include, but are not limited to, selectmen, aldermen, city or town councilors, county officials, and mayors, appointed by the New Hampshire Municipal Association.

Amend section 2 of the bill by inserting after paragraph V the following new paragraph:

VI. Two members of the New Hampshire Association of Counties, appointed by such association.

Amend the bill by replacing section 7 with the following:

7 Report. The task force shall submit a report to the speaker of the house, the senate president, the governor, and the appropriate standing legislative committees with recommendations for repealing programs or responsibilities. For the purposes of this section, the appropriate standing legislative committees shall be the committee of each house which has legislative jurisdiction over the program or responsibility. The report shall be submitted on or before June 30, 1992. The task force shall be disbanded upon the issuance of its report.

Amend the bill by deleting section 8 and renumbering the original section 9 to read as 8.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. Fraser, Dist. 4

Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. Horton, Coos 4

Rep. Lockwood, Merr. 6

Rep. A. Torr, Straf. 6

Rep. Soldati, Merr. 19

AMENDED ANALYSIS

This bill creates a task force to identify mandated responsibilities imposed by the state and federal governments upon municipalities and school districts, and to make recommendations for the modification or repeal of those mandates which are clearly unfunded by any political subdivision other than the municipalities or school districts.

The task force shall report to the speaker of the house, the senate president, the governor and the appropriate standing legislative committees and recommend the repeal of certain programs or responsibilities.

Senator Fraser moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 607

The committee of conference to which was referred House Bill 607, An Act permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following and re-numbering the original section 4 to read as 5:

4 Appeals Board; Composition; Compensation. Amend RSA 281-A:42-a, I to read as follows:

I. There is established a compensation appeals board. The board shall consist of a pool of [9] 15 members at least [three] 5 of whom shall be attorneys. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Terms of board members shall be 4 years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation. Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel at least one of whom shall be an attorney and who shall serve as chair. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

*Conferees on the Part
of the Senate*

Sen. Delahunty, Dist. 22

Sen. Bass, Dist. 11

Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. R. Hawkins, Belk. 5

Rep. Turner, Belk. 11

Rep. D. Dow, Graf. 8

Rep. Drabinowicz, Hills. 32

AMENDED ANALYSIS

This bill permits any person, firm, association or corporation which suffers damages as a result of a competitive bid for a project not being awarded due to another person, firm, association or corporation knowingly violating workers' compensation laws to bring an action for damages in the superior court.

The bill also increases the size of the compensation appeals board from 9 to 15 members.

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 611-FN

The committee of conference to which was referred House Bill 611-FN, An Act relative to plastic holding devices used in packaging having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The legislature finds that plastic rings and other hard plastic devices used to join together bottled or canned beverages pose a threat to fish and wildlife that ingest them or become entangled in them. The legislature further finds that a healthy environment requires that 6-pack rings be degradable while other hard plastic devices be reusable or recyclable. This distinction is in keeping with New Hampshire's hierarchy of solid waste management and New Hampshire's continuing concern for its environment and wildlife.

2 New Subdivision; Packaging Materials. Amend RSA 339 by inserting after section 70 the following new subdivision:

Packaging Materials

339:71 Definitions. When used in this subdivision:

I. "Degradable" means any material which, when discarded, will decompose to components other than heavy metals or other toxic substances, after exposure to bacteria, light or other outdoor elements.

II. "Holding device" means any device constructed of plastic, which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles. This definition shall include:

(a) Any holding device constructed of plastic rings that contains at least one hole larger than 1-3/4 inches in diameter and is manufactured of naturally degradable material; or

(b) Any holding device constructed of plastic material that contains no holes larger than 1-3/4 inches in diameter, and that is reusable or recyclable.

339:72 Certain Holding Devices Prohibited.

I. No person may sell, or offer for sale, containers connected to each other by a holding device, unless this device decomposes by photodegradation, chemical degradation or biodegradation within 6 months after exposure to the natural elements.

II. The provisions of paragraph I shall not apply to any holding device defined under RSA 339:71, II(b).

339:73 Plans.

I. Any manufacturer of a holding device as defined under RSA 339:71, II(a), shall be required to submit to the department of environmental services a plan that specifies the length of time that is required for a holding device to degrade.

II. Any manufacturer of a holding device as defined under RSA 339:71, II(b), shall be required to submit to the department of environmental services a plan that specifies how such holding device will be reused or recycled.

339:74 Rulemaking Authority. The commissioner of the department of environmental services shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines to be imposed under RSA 339:76 for violation of this subdivision.

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

III. Matters related to the proper administration and enforcement of this subdivision.

IV. Requiring each manufacturer of holding devices to register their trademark with the department and provide the department with a sample of the device. The department shall require test data that show that the device is degradable, as defined in RSA 339:71, II(a) or is reusable or recyclable as defined in RSA 339:71, II(b).

339:75 Penalty. Any person who violates any provision of this subdivision or any rule adopted under this subdivision shall be guilty of a violation.

339:76 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$1,000 for each offense upon any person who violates any provision of this subdivision or rule adopted under this subdivision. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this subdivision shall not preclude the imposition of further penalties under this subdivision.

3 Effective Date.

I. RSA 339:73 as inserted by section 2 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect January 1, 1992.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Russman, Dist. 19

Sen. Oleson, Dist. 1

*Conferees on the Part
of the House*

Rep. Tarpley, Hills. 9

Rep. Burnham, Ches. 5

Rep. Hanselman, Hills. 17

Rep. Griebisch, Ches. 6

AMENDED ANALYSIS

This bill prohibits the sale of containers connected to each other by a plastic holding device, such as plastic rings, that are not reusable or recyclable or that do not degrade when exposed to the elements. In addition it gives the commissioner of environmental services the authority to impose an administrative fine for any violation of this subdivision.

Senator W. King moved to adopt the Committee of Conference report.

SENATOR MCLANE: Senator King, I went to that good hearing on the plastic rings. I had one question about the new type of plastic container that holds the six pack of cold drinks. It has a smaller opening than the 1-1/3. Was there any coverage for that device or did you not put that into this bill?

SENATOR W. KING: They would be allowed under this as long as they were recyclable.

SENATOR MCLANE: But they still would have to be recyclable?

SENATOR W. KING: Yes.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 613-FN

The committee of conference to which was referred House Bill 613-FN, An Act relative to the procedures of the certificate of need board having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 8 with the following:

8 Notice. Amend the introductory paragraph of RSA 151-C:8, I to read as follows:

I. If a standard developed through RSA 151-C:5 or 151-C:6[,] indicates a need for additional health services, the board shall issue a request for applications. The board shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the board is [accepting] **requesting** applications for certificates of need for the specified service. At a minimum the notice shall include:

Amend the bill by replacing section 9 with the following:

9 New Subparagraph; Notice. Amend RSA 151-C:8, VI(b) to read as follows:

(b) For purposes of this paragraph, "affected persons" include [health systems agencies for contiguous health service areas, all health care facilities and health maintenance organizations included on the comprehensive mailing list developed and maintained pursuant to RSA 151-C:5, I(a), the New Hampshire Hospital Association, the New Hampshire Medical Society, the New Hampshire Health Care Association, the Community Health Care Association, the New Hampshire Association of Counties, third-party payors licensed and doing business in this state], **organizations of health care providers and organizations of health care consumers, as defined by the board by rules adopted pursuant to RSA 541-A**, and members of the public who are to be served by the proposed project. For purposes of this paragraph, notification of all qualified applicants in which the proposed project is to be offered or developed shall be by certified mail. Notification to all affected persons[, except] **shall be by mail and notification to** members of the public, shall be by [mail] **newspaper**. [Notification to members of the public shall be by the publication required in this paragraph. Notification to third-party payors licensed and doing business in the state shall be to those third-party payors who have complied with an annual notification as of the effective date of this provision informing them that if they wish to be included on a certificate of need mailing list, they shall submit a written request to the board within 30 days.] **Notification by newspaper shall serve as appropriate notice to all health care facilities located within the state.**

(c) **If an affected person fails to receive notification which was provided in accordance with this paragraph, such failure of notice shall not be grounds for reversal of a decision made by the**

board, defeat any jurisdiction of the board, or adversely affect the regularity of any proceedings before the board.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. McLane, Dist. 15
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. R. Foster, Carr. 4
Rep. Ziegra, Belk. 6
Rep. A. Torr, Straf. 6
Rep. Copenhaver, Graf. 12

AMENDED ANALYSIS

This bill makes the following changes and additions to the certificate of need law:

(a) Changes the threshold for a certificate of need for construction, renovation, expansion or alteration of any acute care health facility to \$1,500,000, adjusted annually to reflect inflation.

(b) Adopts a threshold of \$1,000,000, for a certificate of need for nursing homes, specialty hospitals and all other health facilities. The threshold for construction, development, expansion, or alteration of these facilities shall be adjusted annually to reflect inflation.

(c) Establishes notice requirements by newspaper for solicitation of requests for applications, standard development, and rulemaking.

(d) Eliminates comprehensive mailing lists.

(e) Establishes a time frame for completeness review of amended applications.

(f) Changes the time frame for bed increases.

(g) Clarifies the function of ambulatory surgical facilities.

Senator J. King moved to have HB 613, Laid On The Table.

Adopted.

HB 613, IS LAID ON THE TABLE.

COMMITTEE OF CONFERENCE REPORT ON HB 619-FN

The committee of conference to which was referred House Bill 619-FN, An Act relative to central business districts having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 162-L:8 as inserted by section 3 of the bill by replacing it with the following:

162-L:8 Investment Tax Credit. A business organization shall be allowed an investment tax credit, to be computed as hereinafter provided, against the tax imposed by RSA 77-A or any bank or insurance franchise tax paid in lieu of the business profits tax. Any business organization which contributes an amount to the authority may credit against taxes otherwise due an amount equal to 75 percent of that year's contribution. Any business organization receiving a credit under this section may carry forward for no more than 5 succeeding taxable years the amount of the credit not offset against taxes for the year of the contribution. Business organizations shall be limited to a credit under this section of no more than \$200,000 in any given tax year.

Amend the bill by replacing all after section 4 with the following:

5 Repeal. The following are repealed:

I. RSA 77-A:5, V, relative to investment tax credits.

II. RSA 162-L:8, relative to investment tax credits.

6 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 5 of this act shall take effect June 30, 1996.

III. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Bass, Dist. 11

Sen. Dupont, Dist. 6

Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. Grodin, Ches. 6

Rep. D. Sytek, Rock. 20

Rep. Barnes, Rock. 6

Rep. Salatiello, Belk. 3

Senator Bass moved to request a new Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 627-FN

The committee of conference to which was referred House Bill 627-FN, An Act relative to the treatment of repeat DWI offenders having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 5-6 with the following:

5 Elimination of State Operated Program if Not Self-Supporting. If the operation of the state-operated multiple DWI offender intervention detention center program fails to be self-supporting within the requirements of RSA 172-B:2-b, III(b) within 2 years of the effective date of this act, the state operated program shall commence procedures for its closing no later than 3 years following the effective date of this act. If the director of the office of alcohol and drug abuse prevention determines that the state-operated program is to be discontinued under this section, the director shall notify in writing the governor, the speaker of the house, and the president of the senate, no later than 30 days after such determination. The closing of the state operated program shall in no way impact upon, restrict, or eliminate the provision of the multiple DWI offender intervention detention center program's services by private providers.

6 Effective Date. This act shall take effect 90 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Oleson, Dist. 1
Sen. Cohen, Dist. 24
Sen. Heath, Dist. 3

*Conferees on the Part
of the House*

Rep. Lozeau, Hills. 25
Rep. Martling, Straf. 4
Rep. Hultgren, Hills. 1
Rep. D. Cote, Hills. 25

AMENDED ANALYSIS

This bill makes certain technical revisions to the laws relative to the impaired driver intervention program and the multiple DWI offender intervention detention center program.

The bill requires pre-payment by any person who attends the multiple DWI offender program of fees for confinement and intervention costs. Second or subsequent offenders shall be exempt from this pre-payment requirement.

The bill also provides that if the state-operated multiple DWI offender program fails to be self-supporting as required under current law within 2 years of the effective date of this bill, the state-operated program shall commence procedures for its closing within 3 years of the effective date of this bill.

Senator Oleson moved to adopt the Committee of Conference report.

SENATOR OLESON: I think the amendment explains itself quite clearly. Where it says the Director of the Office of Alcohol and Drug Abuse Prevention determines that the state-operated programs to be discontinued under this section, the director shall notify the Gov-

ernor and other people concerned. In other words, it defines at the present time, that the folks taking care of the operation of this facility, and if they do amount to this, then it is to be discontinued. But nevertheless, the fines for multiple DWI offenses still remain on board and in no way will this affect that.

SENATOR NELSON: Here we are putting laws in this state to get tough on drunken driving, get them off the streets, get them in a place, cure them so they don't kill people, and am I correct in understanding that if a program fails to be self-supporting within two years, up and running — a brand new business — up and running in two years, and if it is not, no later than three years, that the next year we will kick them out? And we have tough drunken driving laws in this state?

SENATOR HOLLINGWORTH: This program, when it was passed — and it is not a new program — it is a program that has been in effect for a long time. This is the Habitual Offender Program at Laconia. This bill was mine. What it does, if you are a second offender, but you plea bargain it down to a first offense, you end up having to go to the OADAP program for those people who are Habitual Offenders. Because we think if somebody has plea bargained a second offense down, that they definitely have a problem. So what the bill did, was say that if you plea bargain, you go to that program. But this was an agreed upon bill with Geraldine Sylvester and with the other sponsors of the bill, because what it does, when OADAP — the Rehabilitation Program — came into effect, it was supposed to be self-sufficient. The people who went to the program were supposed to end up paying for the program. That hasn't happened, as you well know, because you have been working with the budget, you know the program is costing the state a great deal of money. So with the agreement of the people in the program, and Geraldine Sylvester, they have agreed that within two years, they will be self-sufficient, because there is a bill that we passed a couple of years ago that requires people to pay for their program or not get their license back. They have to pay for it in three years. Geraldine firmly believes that within the next two years, the money will be coming in that will help make this program self-sufficient. So this was as the bill passed. The only difference in the Committee of Conference was, we changed from one year to two years, because the bill was upon passage. I wasn't on the Committee of Conference, but I was asked my opinion of it. Because the bill was on passage, we gave them the two years that we guaranteed to give them to make them self-sufficient. If we hadn't done that, they would have had to have been self-sufficient in one year. So the Committee of Conference gave them the two years to make it happen.

SENATOR NELSON: I notice on page 2, it talks about the private providers. Do the private providers get state money at all in this state, or money from an insurance group that pays? Do they get money?

SENATOR HOLLINGWORTH: Yes, they do. If you have coverage, a private provider will cover you.

SENATOR NELSON: How long has this project been in operation? Two years?

SENATOR HOLLINGWORTH: I don't know exactly when the OADAP program came in, but it was several years ago. I think it may have been longer than two years.

SENATOR NELSON: Where are we going to send the drunken drivers, or the habitual offenders in this state, who have no private insurance, who have no job? As you know, using your terms of economics, down in Nashua we have hordes and hordes of people out of work, and maybe going to the northern part of the state. Where will the people who can not pay be placed? If they have to be placed, what impact is this program going to have for those people who don't have any money, private coverage, no fancy insurance? What do we do with them? Leave them on the streets?

SENATOR HOLLINGWORTH: No. That is not what happens. What happens is the Commissioner, Geraldine Sylvester, has the opportunity to set-up a program, whereby those people are covered. Because she is the one who sets the rules and the guidelines. When that program, under the state funding, doesn't kick in, and the private providers have assured us that should that day ever come — and perhaps it never will, because we think the OADAP program will become self-sufficient — the private providers have assured us that they will pick up those people who cannot pay.

Recess.

Out of Recess.

Question is on the adoption of the Committee of Conference.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 648-FN

The committee of conference to which was referred House Bill 648-FN, An Act relative to the industrial development authority and the housing finance authority having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6
Sen. Shaheen, Dist. 21
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Hager, Merr. 21
Rep. C. Brown, Graf. 13
Rep. Schotanus, Sull. 1
Rep. Vaughn, Rock. 27

Senator Shaheen moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 688

The committee of conference to which was referred House Bill 688, An Act relative to the Mount Washington Regional and the Berlin Municipal Airports having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

*Conferees on the Part
of the Senate*

Sen. Oleson, Dist. 1
Sen. Dupont, Dist. 6
Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1
Rep. Marsh, Coos 1
Rep. Horton, Coos 4
Rep. Kilbride, Coos 8

Senator Oleson moved to adopt the Committee of Conference report.

SENATOR HUMPHREY: This bill came out of the Transportation committee on which I am privileged to serve, so I have some little sense of its history. First, I want to ask Senator Oleson, if the part that the conferees struck is the part which requires cost sharing on the part of the communities?

PRESIDENT DUPONT: That is what the conference report does. It moves back to the House position.

SENATOR HUMPHREY: In other words, the cost sharing provisions which the Senate inserted are not a part of this conference report?

SENATOR OLESON: That is right. What the amendment that was put on did, was the locals would pay 50 percent of the costs of these airfields. In Whitefield, that happens to be a reasonable airfield and as I said, there is a community of some 2,000 people, even though it takes in the whole western part of my district, including part of district 2. It didn't seem reasonable to us that a small community would have to come up with half the cost of any improvement at any airfield, especially where the federal government, as I said before, is very interested in maintaining the airfields in the Berlin area. So it didn't seem reasonable. So that was taken out, and it reverted back to the way the House came across — the \$100,000 for each airfield would be appropriated to be used for the improvements to the two airfields.

SENATOR HEATH: Senator Oleson, you said it didn't seem reasonable to us, but in fact, us, being the Senate, took that position. Are you saying you didn't defend the Senate position on this Committee of Conference?

SENATOR OLESON: When I went on the Committee of Conference for it, it caught me unaware, otherwise I would have opposed it on the floor at that time. Maybe I didn't do my homework, I'll confess to it. But nevertheless, I didn't read the amendment where the locals had to come up with 50 percent of the cost of any improvement to these airfields. Otherwise, I would certainly have opposed it here on the floor.

Recess.

Out of Recess.

SENATOR HUMPHREY: The history of this thing starts back in 1989, when the General Court appropriated \$200,000 to the Department of Transportation. The department couldn't spend the \$200,000, so at the end of this fiscal year that money lapses, or would lapse except for this bill which, in effect, reprogrammed the money for other purposes. That was troubling enough, because we need to be lapsing every last penny that we can lapse at this juncture. We are critically short of cash. Here is \$200,000, may I say to my progressive friends, that could be spent on AFDC. Here is money that would have lapsed, when scheduled under law to lapse. It would be available to the Finance committee for programs it deems worthy, like AFDC. I discussed this with Senator McLane. I said, "Senator, if you had \$200,000 what would you do with it?" She said, "I would put it into AFDC." That sounds like a good idea to this Senator. But what is especially galling, is that after the Senate attached, that the Senate was willing to provide this reprogramming, but required a cost sharing on the part of the communities. These are airport proj-

ects, by the way, construction projects. If the federal government funded these projects, then the towns would be asked to provide a measly 5 percent. These are two projects, \$100,000 each. The towns would have been asked to provide \$5,000 each, if the feds ultimately fund it. If there is no ultimate federal funding then the Senate amendment required a 50 percent match. That has now been struck by the Conferees. That was an excellent amendment offered by Senator Pressly in committee. She worked hard. We tabled the bill for a couple of days, while she worked on that amendment. It was an excellent amendment, a sensible amendment, a cost sharing amendment. One which I fully supported. But that part of the bargain was struck in Conference. Now what we have before us is a simple reprogramming which will prevent a lapse and provide full funding for some projects in which the towns ought to be willing to share the costs. To me, with all due respect to the supporters, this is pure pork barrel, at a time when we cannot afford it. So if it is in order, I offer a substitute motion that the Conference Report be defeated, and in so doing, if the motion is adopted, the \$200,000 would lapse, which Senator Blaisdell and Senator Hough, you may spend on some more pressing matters. And I urge you to do so. Therefore, I make that motion.

PRESIDENT DUPONT: The question before us is the adoption of the Conference Report. If it is defeated, your motion would be in order at that time.

SENATOR HUMPHREY: In that case, I urge my colleagues to defeat the pending motion in anticipation of a motion which I would be happy to offer, or perhaps Senator Pressly or Senator McLane, to reject the Conference Report, let the money lapse, and let us spend it on something more worthy, in as much as the localities aren't willing to put up even 5 percent, evidently, for these projects.

SENATOR OLESON: I rise in support of the pending motion on the floor, on HB 688 be passed. A little bit of the history of 688. A session ago, a certain amount of money was raised, \$100,000 for Whitefield and \$100,000 for Berlin for certain improvements. For one reason or another, the money wasn't spent. This money was supposed to lapse this coming June. What the House position was, to resurrect it and put it back and to extend the lapsing date for another two years. Now, remember Berlin and Whitefield, both are essential to the economic welfare of the north country and the state, mostly, as well as protection for our number one natural resource which is our forests. And remember, throughout New Hampshire some 60 percent of your employment, one way or another — hospitality group, pulp and paper, furniture factory — depends on the

health of our forests. Someday we are going to come down with a big smoky. We have had it before, and there is no insurance that we won't have it again. And if it ever happens, you will leave one man in New Hampshire to turn out the lights. And I assure you of that. On this bill, if you want to protect our number one natural resource, if you want to protect our environment, if you want to protect the jobs in New Hampshire, and if you want to protect what industry we have left, you will vote for this bill, 688. To me, many, many times since I have been down here, we have been penny-wise and dollar foolish. And this is such an instance. If we can't protect our number one natural resource, I have no idea what any of us are here for. One instance why this money is essential. It can be used for match funds, as much as 90 feds, 5 local — the locals do come in at 5 percent — and 5 money out of this bill, and one of the reasons is, that the federal government is interested in the salvation of our airports. It isn't just military. It is one good reason. But it is to protect our number one resources where the people in northern New Hampshire and the rest of the state won't have to apply for welfare. For the health of the state of New Hampshire, maybe this is one of your most important bills which we have faced this session. Thank you very much.

SENATOR BASS: I rise in support of adopting the committee of conference. I think Senator Oleson has clearly stated many reasons for supporting this bill, resources, environment, jobs and so forth. But as co-chairman of the Economic Development committee, we know how significant transportation is to the state of New Hampshire. And transportation is important to the whole state, but no part of the state more than the north country. And the north country has suffered probably more than any other part of the state, economically. I think if you compare the amount of attention and emphasis that we have given for the more populated southern part of the state, this small effort to help these two airports in the north country will go a long way and is well worth the investment, regardless of whether the federal funds come through.

SENATOR HOUGH: As a member of the Capital Budget committee, I also rise in support of this piece of legislation. The committee had this bill in its possession in February of this year. We spent a great deal of time with Senator Oleson on it. His remarks are succinct and to the point. It is vitally needed and we should support this. Do otherwise is irresponsible and foolhardy. I commend Senator Oleson for his strong support of this piece of legislation that is vitally important not only to his district, but to the whole north part of the state of New Hampshire and you should pass it.

SENATOR PRESSLY: This is a tough position to be in. Since there is a chance of a division call, I would like to speak to it before that

happens. I will be supporting the Conference Report, and this is a big but — I think that our committee identified a real problem and it was thanks to Senator Humphrey for pointing this out. The problem is this, what sort of a local commitment takes place here? In the process, we did stop everything, and we did ask these local people to come up, and we asked them some questions. It did become pretty apparent that they, themselves, were not taking the interest in their local airports that might be appropriate, given the importance of them. Reality, in my opinion, is that they, at this time, do not. I am not sure that defeating this will inspire them to do that. My hope would be that by passing this and putting them on notice, just by the Senate action itself, is a way of sending a message to these local communities, that we expect that when you have an airport authority that they get involved, that they be active players, that they come up with plans. We did happen to find out that a lot of these smaller airports, they have ten-year plans that are 15 and 20 years old. If we want our airports and these small airports to be players, and have this economic growth that has been referenced, these local authorities are going to have to be involved and play more, be players. What the Conference Committee did, was they literally cut out our Senate amendment, which was basically saying that if the federal government doesn't do their share, that, along with the state, the local community will share with the state. I still do think that is a good idea. I think in the future, having given these little airports notice that we expect them to be involved on an ongoing basis, and not have their 10-year plans be 20 years old, that their chances of getting support in the future will be far more agreeable. So I will be reluctantly withdrawing the motion that I played a role in on the amendment, in order to get these projects accomplished. It is my sincere hope that the federal government will, as planned, be paying the lion's share of this.

SENATOR HUMPHREY: Just to try to re-focus, the conferees struck the Senate amendment. The Senate amendment requires a measly — tiny — cost sharing on the part of the communities. Now, we have been told that these appropriations, two of them for \$100,000 are utterly essential to protection of safety and resources and every virtuous thing. And yet, the towns aren't willing to put up even 5 percent. The conferees struck the provision that requires the towns to share at least five percent of the cost. Can we really believe that this is so utterly necessary if towns aren't willing to put \$5,000? Where are all those who want to spend more on AFDC, and all these pressing human needs? Instead, you are going to spend it to pack pork, and roll logs to re-pave a taxiway and things like that, which the towns are totally unwilling to fund themselves, even to the point

of five percent. I think the facts speak for themselves. This is old money. Would have lapsed, will lapse, if we defeat this conference report. It was supposed to lapse. It has been reprogrammed for totally new purposes. It is just grabbing money out of the till. I don't see how the Senate can justify it. Especially if the towns don't want to share even a small part of the cost. Can it be that important, if they are not willing to share the cost? Not in the view of this Senator. I would like to be recorded as against the pending motion.

SENATOR W. KING: I will be very brief. I rise in support of the Committee of Conference report. I want to remind everybody to recognize that airports service regional areas. What the Senate position was originally, was to force the community in which the airport sits to pay for the benefit of all communities in its area. Not a measly rate, but a rate of 50 percent, if the federal government didn't come through. This bill, as it stands, does ask the community to pay a measly five percent, and I urge your support of it.

SENATOR DISNARD: Senator King, do I understand that the Senate did ask for 50 percent, not 5 percent? Did I understand you to say that this bill does what Senator Humphrey wants, ask them to pay 5 percent?

SENATOR W. KING: As far as I understand it, it does.

SENATOR HUMPHREY: I believe the Senator just said that the bill, as it comes from the Conference, requires a 5 percent cost share. Senator King, will you show me where the language is, requiring any cost sharing at all?

SENATOR W. KING: I will defer to Senator Oleson to tell you where it is.

SENATOR OLESON: What this money is to be used, if the money is raised, under different formulas. Recent fact, the first bill that originated some years ago, they wanted this money for a certain project, and lo and behold the federal government paid every penny of it. Every cent was paid by the federal government in the Berlin airport. So this money wasn't used, and they did want to extend the lapsing date so that their beacons can be repaired at the Berlin airport. If it isn't done, it will close the airport down in bad weather, and at night. As I said before, if you believe in economic development for any part of this state, you certainly will not oppose this legislation. As far as Whitefield is concerned, I visited it some months ago, so that I would be sure to see what they expected if the money was appropriated. When our good President arrived last year campaigning, he pretty near went out of sight. I believe there are many people here who wouldn't care for that. But they did want to

build the airfield up, so that these conditions wouldn't happen again. I say again, these things are very essential, not only to the area, but also to the federal government when they are willing to come up with as much as, in some instances, 95 percent and 5 from the local.

SENATOR HUMPHREY: It was alleged by Senator King, who asked Senator Oleson to respond in his behalf, that the bill as it comes from the Conference requires cost sharing. It most certainly does not. Here it is, ladies and gentlemen. Two point-one-pages of language. They struck every bit of cost sharing in this bill. They extended the lapse date by two years. And I think the motion ought to be defeated.

Senator Blaisdell moved the question.

Adopted.

Question is on the adoption of the Committee of Conference report.

Adopted.

Senators Heath and Humphrey are opposed to the Committee of Conference Report on HB 688.

COMMITTEE OF CONFERENCE REPORT ON HB 709-FN

The committee of conference to which was referred House Bill 709-FN, An Act establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraphs IV(a)-(c) and V as inserted by section 2 of the bill by replacing them with the following:

(a) The director of the division of forest and lands, who shall serve as chairman of the committee.

(b) The chairman of the resources, recreation and development committee.

(c) Four members of the house of representatives, appointed by the speaker of the house, of whom 2 shall be from the resources, recreation and development committee and one from the environment and agriculture committee.

(d) Three members of the senate, appointed by the senate president, at least one of whom is a member of the environment committee who shall be the senator from district one.

V. The legislative members of the committee shall be entitled to legislative mileage when performing duties in connection with the committee.

Amend the bill by inserting after section 3 the following and re-numbering the original section 4 to read as 5:

4 Filing; Intent to Cut. Amend RSA 79:10 to read as follows:

79:10 Notice of Intent to Cut.

I. Every owner, as defined in RSA 79:1, II, shall, at the beginning of each tax year and prior to commencing each cutting operation, file with the proper assessing officials in the city or town where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating his name, residence, social security number, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year. The appropriate copies of all intents received by a city or town shall be forwarded to the commissioner of revenue administration by the assessing officials. Upon receipt of an original intent, the commissioner of revenue administration shall assign an operation number and furnish, without cost to the owner, a certificate and report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city or town. The appropriate copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development. Starting an operation before the appropriate notice of intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation.

II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1 shall not be required to file for a new notice of intent if the cutting operation will be completed prior to June 30 of that year.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2
Sen. Oleson, Dist. 1
Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2
Rep. Nehring, Straf. 1
Rep. Jankowski, Straf. 5
Rep. Lewis, Merr. 5

AMENDED ANALYSIS

This bill establishes a study committee to consider legislation regarding a comprehensive clearcutting act. The legislation would look to preserving the state's forest resources while safeguarding the aquatic, wildlife, recreational, and aesthetic resources of the state.

This bill also grandfathers certain property owners relative to cutting operations.

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 713-FN

The committee of conference to which was referred House Bill 713-FN, An Act relative to the general counsel of the public utilities commission having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. Colantuono, Dist. 14

Sen. Pressly, Dist. 12

*Conferees on the Part
of the House*

Rep. W. Boucher, Rock. 23

Rep. Rodeschin, Sull. 2

Rep. Ward, Graf. 1

Rep. Letourneau, Merr. 8

Senator Colantuono moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 745-FN

The committee of conference to which was referred House Bill 745-FN, An Act relative to sewage disposal systems having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Notification Required; Subsurface Disposal Systems. Amend RSA 477 by inserting after section 4-a the following new section:

477:4-b Notification Required; Subsurface Disposal Systems. Any person seeking to obtain approval for a subsurface sewage disposal system shall meet the requirements set forth in RSA 485-A:29 and 30.

2 Approval for Operation Numbers. RSA 485-A:29, II is repealed and reenacted to read as follows:

II. Approval for operation numbers shall be recorded by the division with the registry of deeds in each county for each system. Permitted designers of subsurface sewage disposal systems shall obtain the registry of deeds volume and page numbers for each lot that relates to the septic system application and provide them to the division. The division shall develop and approve an outline of brief instructions for the periodic maintenance, care and proper usage of waste disposal systems, including a warning of the potential public health hazard and pollution of public and private water supplies and surface water of the state from improperly maintained sewage and waste disposal systems.

3 Fees. Amend RSA 485-A:30 to read as follows:

485-A:30 Fees.

I. Any person submitting plans and specifications for a subdivision of land shall pay to the division a fee of \$80 per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee of \$80 for each system. Said fee shall be for reviewing such plans and specifications, making site inspections, and for the administration of sludge and septage management programs. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the treasurer as unrestricted revenue. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

II. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee for each system for recording the approval for operation number with the registry of deeds. Such fee shall be the same as that established by the registry of deeds for the recording of such documents. All fees collected under this section shall be deposited with the state treasurer and reserved in a special non-lapsing

sewage disposal system fund which shall be continually appropriated to the division to be used for the administration of this section.

4 New Subparagraph; Application of Receipts; Sewage Disposal System Fund. Amend RSA 6:12, I by inserting after subparagraph (nn) the following new subparagraph:

(oo) Money received under RSA 485-A:30, II, which shall be credited to the sewage disposal system fund.

5 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Fraser, Dist. 4

Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2

Rep. Lewis, Merr. 5

Rep. Roulston, Rock. 20

Rep. Jankowski, Straf. 5

AMENDED ANALYSIS

This bill requires the division of water supply and pollution control to record approvals of sewage or waste disposal systems with the registry of deeds. Any person submitting plans and specifications for sewage or waste disposal systems shall pay the division a fee for recording costs. These fees shall be deposited in a special fund which is continually appropriated to the division.

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 751-FN

The committee of conference to which was referred House Bill 751-FN, An Act concerning the procedure for local enforcement of certain state environmental laws having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Illegal Waste Disposal Enforcement. Amend RSA 149-M:12 by inserting after paragraph V the following new paragraph:

VI. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action. This paragraph shall not be construed to affect in any manner, existing authority of municipalities to act based upon the provisions of other statutes or local ordinances.

2 Wetlands Enforcement. Amend RSA 482-A:14-b to read as follows:

482-A:14-b Removal; Restoration; Equity Relief.

I. Whoever fails, neglects or refuses to comply with this chapter or rules adopted under this chapter, or an order or condition of a permit issued under this chapter, or misrepresents any material fact made in connection with any activity regulated or prohibited by this chapter, whether or not the owner of the land in question, shall be liable for the removal of fill, spoil or structure placed pursuant to such a violation and the restoration of any wetlands disturbed in connection with the violation. The superior court shall have jurisdiction to order such relief and such additional relief in equity as may be appropriate.

II. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right, dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action. This paragraph shall not be construed to affect in any

manner, existing authority of municipalities to act based upon the provisions of other statutes or local ordinances.

3 Drinking Water Enforcement. Amend RSA 485:20 to read as follows:

485:20 Injunctions.

I. The superior court shall have power to issue injunctions restraining any person from violating the provisions of [the preceding section] RSA 485:17 or 485:19.

II. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of RSA 485:17 or 485:19. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right, dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action. This paragraph shall not be construed to affect in any manner existing authority of municipalities to act based upon the provisions of other statutes or local ordinances.

4 New Paragraph; Terrain Alteration Enforcement. Amend RSA 485-A:22 by inserting after paragraph III the following new paragraph:

III-a. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of RSA 485-A:17, or any rule or order issued under that section. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action. This paragraph shall not be construed to affect in any manner existing authority of municipalities to act based upon the provisions of other statutes or local ordinances.

5 Sewage Disposal Enforcement. Amend RSA 485-A:44 to read as follows:

485-A:44 Injunction to Enforce.

I. On application of the division, the superior court or any justice of the court, in term time or in vacation, may enjoin any act in violation of this subdivision.

II. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this subdivision. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such action as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right, dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action. This paragraph shall not be construed to affect in any manner existing authority of municipalities to act based upon the provisions of other statutes or local ordinances.

6 Effective Date. This act shall take effect January 1, 1992.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Fraser, Dist. 4

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Wadsworth, Graf. 13

Rep. Peyron, Sull. 2

Rep. B. McCann, Hills. 31

Rep. Trombly, Merr. 4

AMENDED ANALYSIS

This bill establishes the procedure for municipalities to follow to obtain injunctive relief against existing or impending violations of certain state environmental laws.

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 761-FN

The committee of conference to which was referred House Bill 761-FN, An Act relative to leasing certain state land having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. McLane, Dist. 15

Sen. J. King, Dist. 18

*Conferees on the Part
of the House*

Rep. Stio, Merr. 5

Rep. Gross, Merr. 16

Rep. Weeks, Merr. 21

Rep. Frechette, Straf. 8

Senator McLane moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 771-FN

The committee of conference to which was referred House Bill 771-FN, An Act relative to sentencing and parole having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Terms of Release. Amend RSA 651-A:6, II to read as follows:

II. When a person is subject to multiple concurrent or consecutive sentences of imprisonment, as provided in RSA 651:3, III, the provisions of this section shall be computed from the [longest of said] **total of the 2 longest sentences, subject to the provisions of RSA 651-A:14.**

4 Effective Date. This act shall take effect January 1, 1992.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16

Sen. Colantuono, Dist. 14

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Lozeau, Hills. 25

Rep. Martling, Straf. 4

Rep. Record, Hills. 23

Rep. DePecol, Ches. 12

AMENDED ANALYSIS

The bill changes certain provisions regarding computation of terms of parole and application for reparole after revocation of parole.

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 780-FN

The committee of conference to which was referred House Bill 780-FN, An Act relative to water treatment operators and fees for water system permits having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Water System Permit Fees. Amend RSA 485:41, VIII to read as follows:

VIII. Adopt a fee system in recognition of services provided [for the] **by the water supply engineering bureau including the** issuance of an operational permit for public water systems subject to this chapter. The division shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems per year shall be [\$600 for all systems serving more than 100 people,] **\$300**, but in no case shall the fee exceed \$10 per household or household equivalent. The fee category for non-transient and non-community systems shall be [\$200] **\$150** per year. All fees shall be paid to the division for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the [salary] **salaries**, benefits and expenses [for the permanent full-time employees] **of the staff** in the division's **drinking** water supply [engineering bureau]

program [operation permits section]. Any revenues generated in excess of the costs of funding the **drinking** water supply [engineering bureau] **program's expenses**, [operation permits section,] shall lapse to the general fund at the close of each fiscal year to be used to offset the future general fund appropriation for the water supply [engineering bureau] **program**.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Oleson, Dist. 1

Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2

Rep. Lewis, Merr. 5

Rep. Stamatakis, Sull. 4

Rep. J. Young, Straf. 10

Senator W. King moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 784-FN

The committee of conference to which was referred House Bill 784-FN, An Act creating a long-range construction program for New Hampshire's highways and highway bridges having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4

Sen. Oleson, Dist. 1

Sen. Hough, Dist. 5

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1

Rep. B. Marsh, Coos 1

Rep. W. Driscoll, Graf. 8

Rep. D. Kilbride, Coos 8

Senator Fraser moved to adopt the Committee of Conference report.

Adopted.

Senator Russman moved to have HB 784, Laid On The Table.

Adopted.

HB 784, IS LAID ON THE TABLE.

TAKEN FROM THE TABLE

Senator W. King moved to have HCR 8, urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events to allow another television channel providing such coverage to broadcast from the Mt. Washington summit, Taken Off The Table.

Adopted.

HCR 8, urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events to allow another television channel providing such coverage to broadcast from the Mt. Washington summit.

Ought to Pass.

Senator Wayne King for the committee.

SENATOR W. KING: Very quickly, fellow Senators, the Maine news station that broadcasts off the top of Mt. Washington, WMTW, offers almost nothing in the way of news to folks who live in the northern part of the state about what is happening in the state of New Hampshire. It was the feeling of the committee that we should pass this resolution to send a message to that station that they ought to get more aggressive in their newscasts relative to what is going on in the state of New Hampshire.

SENATOR BASS: I rise in support of HCR 8. As chairman of Public Affairs, I can report that we had an extensive hearing on this subject. I have a fairly substantial file. Most of the information indicates that, although the Maine television station has made some effort to carry what would be considered to be the major issues of concern to New Hampshire, the issues that most of us take for granted, hearing about, understanding and being involved with are not covered in the north country. Again, I guess I am repeating myself today, I think we owe it to the north country to give that part of the state as much access to information. We talked about communication earlier, now I am talking about information. I really don't think it is fair that most of us who live in the southern part of the state have access to good news coverage, in detail, in many instances more than once a day, of all the events that are occurring in New Hampshire, while the people in northern New Hampshire benefit from what is going on in Maine, which is really not of substantial interest to most New Hampshire citizens. It is my hope that through the passage of this resolution, we will send a message to this station that they ought to address the interests of the people of the state in which their broadcasting antenna sits, or bear the consequences of having some competition in that area, which may be well overdue.

SENATOR OLESON: Seeing as Mount Washington is in my district, I should rise in support of this resolution also. When they broadcast, I understand it goes both ways. Sometimes it goes north and sometimes it goes south, and maybe in some instances, like a bill that we debated at length some time ago, maybe the information from the north hasn't arrived down south yet.

Adopted.

Ordered to Third Reading.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House:

HB 136, relative to current use assessments and the land use change tax.

HB 137, relative to railroad rights-of-way.

HB 391, to permit the adoption of impact fees as part of a zoning ordinance.

HB 561, enabling towns to limit reconsideration of town meeting votes.

HB 610, establishing a committee to study means of approving programs for collecting the fines and fees imposed by the state.

HB 649, relative to the cigarette tax.

HB 720, relative to fireworks.

Senator Currier moved for adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 154, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county.

HB 166, relative to voting in cooperative school districts.

HB 224, relative to new motor vehicle arbitration.

HB 409, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor.

HB 429, relative to the salaries of county attorneys and relative to prior service as an employee of a political subdivision.

HB 513, relative to the eminent domain procedure act and unpaid taxes.

HB 704, relative to liquidation under the supervision of the bank commissioner.

SB 85, relative to women's sports.

HB 147, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates.

HB 544, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members.

HB 548, relative to the information required on checklists.

HB 571, relative to multiple-employer welfare arrangements.

HB 746, relative to fees for recording certain documents with town or city clerks.

HB 750, establishing a committee to study the development of a waste tire management program.

SB 157, relative to bingo.

SB 170, to study the revenue structure in New Hampshire and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 133, relative to the right to know law.

HB 245, prohibiting pre-season baiting.

HB 385, relative to administrative inspection warrants, town trust funds, and planning board decisions.

HB 406, relative to modification of support orders.

HB 427, relative to additional improvements on Gosling Road and making an appropriation therefor.

HB 617, relative to fishing permits for certain head-injured persons.

SB 11, appropriating funds for a new courthouse in Rockingham county.

SB 41, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees.

SB 171, relative to discrimination in the workplace.

SB 185, allowing caterers to subcontract the cooking, preparing, and serving of food.

SB 214, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process.

CACR 12, the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate:

HB 299, relative to the posting of statements in liquor stores and establishments selling beverages and liquor.

HB 680, relative to manufactured housing on the land of another.

HB 736, relative to energy facility siting, licensing and operation.

SB 225, relative to the higher educational building corporation and loan eligibility.

HB 107, eliminating registration fees for class AA dams.

HB 193, relative to lease-purchase agreements for district court-houses, meetings of the Auburn district court, study committees on the district courts, and making a supplemental appropriation for renovation of the Rochester Post Office as a district court facility.

HB 282, relative to the BOCA Basic Building Code and the Life Safety Code and relative to property located at former Pease Air Force Base.

HB 727, relative to DWI testing and commercial driver licenses.

HB 757, repealing the law relative to employment offices.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to HB 248-FN

Amend RSA 36:58 as inserted by section 1 of the bill by replacing line 3 with the following:

regulations enacted under RSA 155-E and RSA 674.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 324-A

Amend the bill by replacing paragraph IV of section 13 with the following:

IV. 1986, 203:5, as amended by 1987, 361:1 and 1990, 242, relative to the New Hampshire turnpike program.

Amend the bill by deleting paragraph VI of section 13.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 327-FN

Amend RSA 4:40, IV as inserted by section 1 of the bill by replacing it with the following:

IV. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real estate given or bequeathed to the state under provisions of trust, or to state lands or their products required to be held to procure a continuance of federal conservation work; provided, however, that the state-capitol-region planning commission shall be provided written notice 60 days before any sale in the city of Concord or Concord area. **This section shall also not apply to the exchange of state-owned lands for other lands of equal or greater value, which are under the jurisdiction of a department and used by such department during right-of-way negotiations or to the sale of buildings that need to be moved to clear such right-of-way for public projects found necessary under other state laws.**

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 579

Amend RSA 49-B:2, IV(b) as inserted by section 4 of the bill by replacing line 3 with the following:

and a town council or representative town meeting in a town adopting a charter under RSA 49-D.

Amend RSA 49-B:2, IV(d) as inserted by section 4 of the bill by replacing line 1 with the following:

(d) "Legislative body" means a town meeting, representative town meeting, city or town

Amend RSA 49-D:3 as inserted by section 11 of the bill by inserting after paragraph II the following new paragraph:

III. Representative town meeting shall be a variation of the open town meeting, but with legislative authority vested in a group of individuals elected to represent districts within the town. Any charter providing for a representative town meeting shall be guided by the following:

(a) Notwithstanding any other provision of law, all powers of the town meeting conferred by statute or the constitution shall be conferred on the representative town meeting. The representative town meeting shall be empowered to address all matters that the general law requires to be addressed at the annual or a special town meeting, except those matters which by statute or charter must be placed on the official ballot of the town. All procedural requirements prescribed by law relative to the actions of a town meeting shall also apply to the actions of a representative town meeting.

(b) The charter shall specify the manner of district representation; the manner of filling vacancies; powers of nomination, appointment and confirmation; requirements for attendance and quorum; any residency or eligibility requirements of up to one year in the town or district and continued residency during term; specific procedures for the preparation, presentation, public hearing and adoption of annual budgets and designation of a fiscal year; an annual municipal election date pursuant to RSA 669:1; bonding of certain town officials and employees where not required by general law; and requirements for periodic independent audits of all town financial matters by a certified public accountant.

(c) In addition to the elected members, the board of selectmen, town clerk, and chairman of the town budget committee shall be members-at-large. The members-at-large shall have the same rights, privileges, and duties with respect to representative town meeting as the elected members.

(d) The charter may provide for referenda on certain issues to the registered voters of the town-at-large at special town meetings called for the sole purpose of deciding those issues.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 608-FN

Amend RSA 224:55 as inserted by section 4 of the bill by replacing lines 10-12 with the following:

502-A:8. The portion of the fine or forfeiture

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 652-FN

Amend the bill by replacing section 8 with the following:

8 References to Exemptions; Date for Notice of Tax. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption or tax credit to which he may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 39, 40, 41, 42, 43-b, 43-f, 43-h, 62, 66, or 70 said applicant may appeal in writing within 6 months of [receipt] **notice of the final tax bill** to the board of tax and land appeals which may order an exemption or tax credit, or an abatement if a tax has been assessed. **"Notice of the final tax bill" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.**

Amend the bill by replacing section 9 with the following:

9 Notifying Board of Tax and Land Appeals. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due that amounts to less than \$5 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the [commissioner of revenue administration] **board of tax and land appeals** in writing of the date on which the last tax bill was sent.

Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Sections 8 and 9 of this act shall take effect April 1, 1992, at 12:01 a.m.

II. The remainder of this act shall take effect April 1, 1992.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 674-FN

Amend RSA 483:9, VI(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, **lime and woodash** used for fertilizer, [or lime or wood ash,] **and sledge and septage** shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment;

Amend RSA 483:9-a, VII(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, **lime and woodash** used for fertilizer, [or lime or wood ash,] **and sludge and septage** shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment;

Amend RSA 483:9-b, VII(b) as inserted by section 4 of the bill by replacing it with the following:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, **lime and woodash** used for fertilizer, [or lime or wood ash,] **and sludge and septage** shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment;

Amend RSA 483:9-aa, VII(b) as inserted by section 12 of the bill by replacing it with the following:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, lime and wood ash used for fertilizer, and sludge and septage shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural-community river or segment;

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 691-FN

Amend paragraph I of section 36 of the bill by replacing it with the following:

I. Sections 32-35 of this act shall take effect upon its passage.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 700-FN

Amend RSA 230-A:16 as inserted by section 2 of the bill by replacing line 2 with the following:
chapter shall be the same as for violations of title LXIV, as stated in RSA

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 742-FN

Amend section 14 of the bill by replacing line 3 with the following:
155-E:4-a **Minimum and Express** Operational Standards. It shall be a violation

Amend the bill by deleting section 15 and renumbering section 16-25 to read as 15-24.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 768-FN

Amend RSA 282-A:85, III as inserted by section 9 of the bill by replacing line 2 with the following:
be assigned a rate less than the maximum in that paragraph for any fiscal

Senator Humphrey moved adoption.

Adopted.

ANNOUNCEMENTS

SENATOR NELSON (Rule #44): I just wanted to stand up here and be serious for a moment and tell you how much I have enjoyed Chairing the Capital Budget Senate committee. The experience wouldn't have been as wonderful, if it weren't for the members with whom I sat. Senator Shaheen, the Vice Chair, Senator Colantuono, Senator Oleson, Senator Hough, Senator Fraser, and Senator Roberge. I just wanted to say that I wanted to thank them so much for their support during the last six months, and for their help on the Committee of Conference. And to the LBA staff who was helpful. And to you, Mr. Senate President, who was very supportive. I want to make

it clear that we were a team on that committee. Regardless of our party, we worked for the people of the state of New Hampshire. We couldn't always get it down, like Gordon Humphrey wanted us to, but we did cut some things out of it this morning. We are cognizant of the fact, regardless of our party, that the state is in a difficult position. So I want to give everyone on the committee credit for working together, both Democrats and Republicans, to do the best they could in the given situation to help the people. So it is the whole Capital Budget committee that deserves some credit. I wanted to just thank them publicly.

SENATOR OLESON (Rule #44): One thing, I think I have been amiss this session, and that is recognizing the aid that was given to me, Jennifer Jenkins. I think if it wasn't for Jennifer, I would have resigned a long time ago, and gone home, maybe where I belong, in certain peoples' estimation, anyway. But I do think that she should get recognition. She has found another job, as I understand. But I just want it known when very intelligent, nice, capable people still have to look for a job in New Hampshire, it is a shame. She has secured one, and God's speed, anybody who employs Jennifer is going to get their money's worth.

SENATOR DISNARD (Rule #44): I would like to thank the three Republican members of the Senate Education committee. Last night on TV, the leader of the Republican group in this state said part of the problem is the Senate Education committee has a Democrat as a leader. Since we have a three to two vote, who is responsible for the costs that come out of that committee?

RESOLUTION

Senator Delahunty moved that the Rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION

THIRD READING AND FINAL PASSAGE

HCR 8, urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events to allow another television channel providing such coverage to broadcast from the Mt. Washington summit.

Senator Delahunty moved that we be in recess until Wednesday, June 12, 1991 at 1:00 p.m.

Adopted.

Recess.

Out of Recess.

LATE SESSION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Wednesday, June 12, 1991 at 1:00 p.m.

Adopted.

Adjournment.

June 12, 1991

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray. Lord, be with us as we celebrate Father's Day this coming Sunday. Behind every successful man there is a helpmate; whether it be a wife, mother, sister or daughter. Let us pray then for the breadwinner of the household. Lord, have mercy upon us and bless us. *Amen.*

Senator Fraser led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

TAKEN OFF THE TABLE

Senator Fraser moved that we have SB 151, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks, Removed Off The Table.

Adopted.

SB 151, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks. Transportation committee. Ought to Pass with Amendment. Senator Fraser for the committee.

THE SUPREME COURT OF NEW HAMPSHIRE

OPINION OF THE JUSTICES

MAY 28, 1991

The following Resolution No. 6, requesting an opinion of the justices, was adopted by the Senate on April 16, 1991, and filed with the Supreme Court on April 18, 1991:

"Whereas, there is pending in the Senate, SB 151-FN, "An act to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks"; and

"Whereas, an amendment has been proposed to SB 151-FN; and

"Whereas, RSA 231:90 as proposed by the SB 151-FN as amended would provide a method by which any person may give notice, to a municipality, of a class IV or class V highway's insufficiency and would establish the criteria by which such highway would be considered "insufficient"; and

"Whereas, RSA 231:91 as proposed by SB 151-FN as amended sets out the municipality's duty to act upon receipt of such a notice and the liability of such municipality for failure to act in certain instances; and

"Whereas, RSA 231:92 as proposed by SB 151-FN as amended would establish when a municipality may be liable for damages arising out of its construction, maintenance, or repair of public highways and sidewalks constructed on such highways and would establish a municipality's standard of care for such highways and sidewalks; and

"Whereas, 231:92-a as proposed by SB 151-FN as amended would limit a municipality's liability for damages arising from hazards caused by snow, ice or other inclement weather; and

"Whereas, RSA 231:93 as proposed by SB 151-FN as amended would redefine when a municipality would be immune from liability for damages suffered upon certain classes of highways to public waters; and

"Whereas, doubt has arisen as to the constitutionality of the provisions of said bill as amended; and

"Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

"Resolved by the senate:

"That the justices of the supreme court be respectfully requested to give their opinion of the following questions of law:

1. Would enactment of SB 151-FN, as amended, result in an arbitrary or discriminatory infringement on access to the courts in violation of Part I, Article 14 of the New Hampshire Constitution?

2. Would enactment of SB 151-FN, as amended, taking into account the benefits conferred upon the general public in limiting the liability of municipalities, result in unreasonable or arbitrary restrictions on the rights of an injured person to recover in violation of Part I, Articles 2 and 12 of the New Hampshire Constitution?

3. Would any other provision of the New Hampshire Constitution be violated by the enactment of SB 151-FN, as amended?

"That the clerk of the senate transmit copies of this resolution and SB 151-FN and the proposed amendment to the justices of the supreme court."

The following response is respectfully returned.

To The Honorable Senate:

The undersigned Justices of the Supreme Court now submit the following replies to your questions of April 16, 1991. Following our receipt of your resolution on April 18, 1991, we invited interested parties to file memoranda with the court on or before May 9, 1991.

Senate Bill (SB) 151-FN is a response to this court's decision in *City of Dover v. Imperial Cas. & Indemn. Co.*, 133 N.H. 109, 575 A.2d 1280 (1990), in which we declared RSA 507-B:2, I, unconstitutional. That statute rendered municipalities immune from liability for injuries caused by faulty maintenance of public sidewalks, streets or highways, and had few expectations. See RSA 231:90 (municipality liable if it fails to respond to formal notice of hazard signed by three persons in the State); RSA 231:92 (municipality liable for damages occurring on bridges, culverts, sluiceways, and embankments unsuitable for travel); RSA 412:3 (municipality liable to the extent it has insurance coverage). We declared in *City of Dover* that "municipal immunity, as a judicially created doctrine, no longer exists," 133 N.H. at 115, 575 A.2d at 1283, and then concluded that RSA 507-B:2, I, "Violates equal protection provisions found in part I, articles 2 and 12 of the State Constitution by impermissibly denying parties injured on municipal highways and sidewalks a right to recover as provided in part I, article 14." *Id.* at 120, 575 A.2d at 1286-87.

We also provided the legislature with some guidance in the event it wished to replace RSA 507-B:2, I, and "place reasonable limits on the right to recover." *Id.* at 120, 575 A.2d at 1286.

"A statute which is tailored to protect the interests of communities when they have no notice of a problem or when they have inadequate opportunity to respond to a known problem may meet constitutional requirements. But, when a community has actual notice of a hazardous condition on its highways or sidewalks and has had adequate opportunity to correct the condition, protect travelers from injury, or warn public users of the hazard, those injured as a result should not be denied an opportunity to recover."

Id. at 120, 575 A.2d at 1286. SB 151-FN is a comprehensive answer to *City of Dover*, with an avowed purpose of "provid(ing) municipalities with the greatest possible protection from highway and sidewalk liability, consistent with the (C)onsitution."

The heart of SB 151-FN is proposed RSA 231:92, "Liability of Municipalities; Standard of Care." It reads:

"I. A municipality shall not be held liable for damages in an action to recover for personal injury or property damage arising out of its construction, maintenance, or repair of public highways and sidewalks constructed thereupon unless such injury or damage was caused by an insufficiency, as defined by RSA 231:90, and:

(a) The municipality received a written notice of such insufficiency as set forth in RSA 231:90, but failed to act as provided by RSA 231:91; or

(b) The municipal officers responsible for maintenance and repair of highways had actual notice or knowledge of such insufficiency, by means other than written notice pursuant to RSA 231:90, and were grossly negligent or exercised bad faith in responding or failing to respond to such actual knowledge; or

(c) The condition constituting the insufficiency was created by an intentional act of a municipal officer or employee acting in the scope of his official duty while in the course of his employment, acting with gross negligence, or with reckless disregard of the hazard."

Proposed RSA 231:90, II states that:

"a highway shall be considered "insufficient" only if:

(a) It is not passable in any safe manner by those vehicles permitted on such highway by state law or by any more stringent local ordinance or regulation; or

(b) There exists a safety hazard which is not reasonably discoverable or reasonably avoidable by a person who is traveling upon such highway at posted speeds, in obedience to all posted regulation, and in a manner which is reasonable and prudent as determined by the condition and state or repair of the highway, including any warning signs, and prevailing visibility and weather conditions."

The written notice which triggers liability in proposed RSA 231:92, D(a) is described in proposed RSA 231:90, I: "Whenever any class IV or class V highway or bridge thereon in any municipality shall be insufficient, any person may give written notice of such insufficiency to one of the selectmen or highway agents of the town, or the mayor or street commissioners of the city, and a copy of said notice to the town or city clerk. The notice shall be signed and shall set forth in general terms the location of such highway and the nature of such insufficiency."

Proposed RSA 231:91, I, then provides:

"Upon receipt of such notice of insufficient, and unless the highway agents or street commissioners determine in good faith that no such insufficiency exists, the municipality shall immediately cause proper danger signals to be placed to warn persons by day or night of such insufficiency, and shall, within 72 hours thereafter, develop a plan for repairing such highway or bridge and shall implement such plan in good faith and with reasonable dispatch until the highway or bridge

is no longer insufficient, as defined by RSA 231:90, II. SB 151-FN also includes a special provision relating to weather-related hazards. Proposed RSA 231:92-a reads:

“Notwithstanding RSA 231:92, municipality shall not be held liable for damages arising from public highway insufficiencies or hazards, even if it has actual notice or knowledge of them, when such hazards are caused by snow, ice, or other inclement weather, and the municipality’s failure or delay in removing or mitigating such hazards is the result of its implementation, absent wilful or wanton negligence or recklessness, of a winter or inclement weather maintenance policy or set of priorities adopted in good faith by the officials responsible for such policy; and all municipal employees and officials shall be presumed to be acting pursuant to such a policy or set of priorities, in the absence of proof to the contrary.”

In addition, SB 151-FN contains the following provisions. Proposed RSA 231:90, III, states that a highway shall not be considered “insufficient” merely because the municipality does not “construct, maintain or repair it to the same standards as some other highway, or to a level of service commensurate with its current level of public use.” Proposed RSA 231:91, II, provides that if a municipality fails to respond to a notice of insufficiency as set forth in RSA 231:91, I, “it shall be liable in damages for all personal injury or property damage proximately caused by the insufficiency identified in the notice, subject to the liability limits under RSA 507-B:4.”

Paragraph II of proposed RSA 231:92 requires any complaint filed under proposed RSA 231:90-92-a to “describe with particularity the means by which the municipality received actual notice of the alleged insufficiency, or the intentional act which created the alleged insufficiency.” Paragraph III of the same section reads: “The acceptance or layout of a private road as a public highway shall not be construed to confer upon the municipality any notice of, or liability for, insufficiencies or defects which arose or were created prior to such layout or acceptance.” And paragraph IV deems “(t)he setting of construction, repair, or maintenance standards” to be a “discretionary, policy function for which the municipality shall not be held liable in the absence of malice or bad faith.”

Proposed RSA 231:93 declares that “(m)unicipalities shall not be deemed to have any duty of care whatsoever with respect to the construction, maintenance or repair of class I, III or VI highways, or state maintained portions of class II highways, or highways to public waters laid out by a commission appointed by the governor and council.” Proposed RSA 412:3 provides:

“In any action against the state or any municipal subdivision thereof to enforce liability on account of a risk so insured against, the insuring company or state or municipal subdivision thereof, shall

not be allowed to plead as a defense immunity from liability for damages resulting from the performance of governmental functions, and its liability shall be determined as in the case of a private corporation except when a standard of care differing from that of (a) private corporation is set forth by statute” Finally, proposed RSA 507-B:2 states in pertinent part: “the liability of any governmental unit with respect to its sidewalks, streets, and highways shall be limited as provided in RSA 231.”

Your first question asks whether SB 151-FN would violate part I, article 14 of the New Hampshire Constitution, while your second question asks whether it would violate part I, articles 2 and 12. We held in *Carson v. Maurer*, 120 N.H. 925, 931-32, 424 A.2d 825, 830 (1980), that the right to recover for one’s injuries, as provided in part I, article 14, is an “important substantive right,” and that “restrictions imposed on (that) right (must) be subjected to a more rigorous judicial scrutiny than allowed under the rational basis test.” Because the right to recover was not deemed a “fundamental right,” *id.* at 932, 424 A.2d at 830, a middle-tier, “substantial relation” test was employed to analyze the statute at issue, *id.* at 931, 424 A.2d at 831.

Carson involved a law which restricted the rights of medical malpractice victims to recover for their non-economic losses in excess of \$250,000. The plaintiffs claimed that the statute discriminated against the most severely injured victims, and an equal protection analysis was used to determine the statute’s constitutionality. *Id.* at 941, 424 A.2d at 836-37. Since *Carson*, this court has not had the opportunity to judge whether a law violates part I, article 14 directly, rather than indirectly under an equal protection analysis. See *Estate of Cargill v. City of Rochester*, 119 N.H. 661, 667, 406 A.2d 704, 707 (1979). However, because the right to recover for one’s injuries is an “important substantive right,” see *Carson*, at 931-32, 424 A.2d at 830, the middle-tier “substantial relation” test should be used to judge both direct and indirect violations of that right.

Moreover, when no suspect classification is involved in an equal protection analysis, such as race or national origin, see part I, article 2, and the statute at issue is held to violate equal protection because one group’s right to recover is violated while another’s is not, it follows that the statute also directly violates the right to recover. *CF.* *Estate of Cargill supra* (where statute does not directly violate part I, article 14, statute cannot violate provisions indirectly under guise of equal protection analysis). Your first question, which asks whether SB 151-FN would violate the right to recover directly is encompassed in the second question, which couches the same issue in terms of equal protection. Thus, answering both questions would mean performing two overlapping analyses of the same bill, each

involving part I, article 14, and each employing the "substantial relation" test. For the sake of brevity then, we choose to address only your second question.

The undersigned Justices answer your second question in the negative, with two qualifications. Before we analyze SB 151-FN paragraph-by-paragraph, we reiterate the criteria we set forth in *City of Dover* to determine a statute's constitutionality. We stated that because of the peculiar nature of public highways and sidewalks, a municipality need not "satisfy an ordinary negligence standard with respect to the ownership and maintenance of highways and sidewalks," *City of Dover*, 133 N.H. at 118, 575 A.2d at 1285, but that "when a community has actual notice of a hazardous condition on its highways or sidewalks and has had adequate opportunity to correct the condition, protect travelers from injury, or warn public users of the hazard, those injured as a result should not be denied an opportunity to recover," *id.* at 120, 575 A.2d at 1286. (Emphasis added.) Complete immunity from liability cannot be justified. *Id.* at 119-120, 575 A.2d at 1286.

Armed with these standards, we proceed to determine whether the classification of private versus public tortfeasors created by SB 151-FN is "reasonable, not arbitrary, and . . . rest(s) upon some ground of difference having a fair and substantial relation to the object of the legislation." *Carson*, 120 N.H. at 932, 424 A.2d at 831 (citations omitted). We first examine proposed RSA 231:92, I, which sets forth three ways in which a municipality can subject itself to liability for injury caused by an "insufficiency": (1) where the municipality receives written notice of the insufficiency, but fails to immediately erect "danger signals" and thereafter repair the insufficiency "in good faith and with reasonable dispatch"; (2) where municipal officers responsible for road maintenance receive actual notice of the insufficiency, other than by a written notice, and act with gross negligence or in bad faith; or (3) where a municipal officer or employee intentionally creates the insufficiency and acts with gross negligence or reckless disregard.

The provisions described above largely satisfy the "actual notice/adequate opportunity to respond" requirements of *City of Dover*, and our allowance of a greater-than-ordinary-negligence standard permits a municipality to require plaintiffs to prove "gross negligence." However, two potential problems exist. First, although, proposed RSA 231:92, I, refers to injury or damage "arising out of (the) construction, maintenance, or repair of public highways and sidewalks" (emphasis added), the paragraph precludes municipal liability "unless such injury or damage was caused by an insufficiency, as defined by RSA 231:90." Proposed RSA 231:90, II, defining "insufficiency," refers only to highways, and cannot easily be interpreted to

cover sidewalks. If this provision is read to render municipalities immune from liability for injuries caused by insufficient sidewalks, it is unconstitutional. Similarly, we note that proposed RSA 231:90, I, III, and :92-a refer only to highways. To the extent these provisions give municipalities immunity for insufficient sidewalks, they are unconstitutional.

The second concern we have is that proposed RSA 231:92, I(b) may create an unconstitutional loophole. The provision triggers municipal liability when "municipal officers responsible for maintenance, and repair of highways had actual notice or knowledge of such insufficiency, by means other than written notice pursuant to RSA 231:90." This provision appears to be designed to soften the harshness of proposed RSA 231:90-91, which require a person to give a signed, written notice of insufficiency to either a selectman (or mayor) or highway agent (or street commissioner), and to the town or city clerk before the municipality can be held liable under proposed RSA 231:92, I(a). If a person does not know of the written notice requirements, he or she could trigger municipal liability under proposed RSA 231:92, I(b) by simply telephoning a municipal officer "responsible for maintenance and repair of highways" and orally notifying the officer of the insufficiency. In addition, municipal liability may result if the officers discover the insufficiency through their own observation. Thus, the "actual notice" requirement of City of Dover appears to be satisfied.

However, proposed RSA 231:92, I(b) applies only to "municipal officers responsible for maintenance and repair of highways." If this phrase is interpreted to mean only street commissioners and road agents, then a city would remain immune from liability even if every resident telephoned the mayor regarding the insufficiency, or if both the mayor and the city clerk passed by and noticed the insufficiency every day. We stated in City of Dover that municipal liability may be triggered "when a community has actual notice of hazardous condition," City of Dover, 133 N.H. at 120, 575 A.2d at 1286 (emphasis added), and we interpret this to mean that notice to a mayor, selectman, clerk, or officer "responsible for maintenance and repair of highways" constitutes notice to the municipality. Thus, it is our opinion that proposed RSA 231:92, I(b) is unconstitutional insofar as it may be interpreted to apply only to road agents and street commissioners.

In its memorandum filed in opposition to SB 151-FN, Abramson, Reis & Brown argue that the provisions of proposed RSA 231:92, I, are constitutionally inadequate because they cloak municipalities with immunity when they have no actual knowledge of an insufficiency, even though, in light of facts readily available to them, they should have known of it. We are unpersuaded by this argument, be-

cause City of Dover plainly limits a municipality's liability to instances of actual, not constructive, knowledge. *Id.* at 120, 575 A.2d at 1286.

Abramson, Reis & Brown also argues in its memorandum that the definition of "insufficiency" contained in proposed RSA 231:90, II, is inadequate because it "denies recourse to those plaintiffs injured as a result of safety hazards, known by the municipality to exist, which are reasonably discoverable or avoidable by the public, but which for some reason are not in fact discovered or avoided." Although SB 151-FN places heavy responsibility on citizens to look out for road and sidewalk hazards, we do not think that this responsibility is unconstitutionally onerous. persons using public highways and sidewalks are required to obey all posted traffic sign and proceed with reasonable caution. A municipality should not be held responsible for injuries caused when a traveler ignores traffic safety standards created to prevent such injuries.

We next examine proposed RSA 231:92-a. this provision gives a municipality immunity for damage caused by insufficiencies, regardless of actual notice, when the insufficiencies are caused by inclement weather, "and the municipality's failure or delay in removing or mitigating such hazards is the result of its implementation, absent wilful or wanton negligence or recklessness, of a winter or inclement weather maintenance policy or set of priorities adopted in good faith by the officials responsible for such policy." Abramson, Reis & Brown argue that this provision violates the "actual notice/adequate opportunity to respond" requirements of City of Dover. We disagree. Inclement weather often makes it impossible for a municipality to rid highways and sidewalks of insufficiencies, or even to post warning signs, as quickly as it could in fair weather. Inclement weather can immediately cause insufficiencies on every municipal highway at once, as in the case of a severe snow storm, thereby straining a municipality's resources and forcing municipal officials to set priorities in remedying the insufficiencies. By its nature, inclement weather may rob a municipality of an adequate opportunity to respond to an insufficiency before an injury occurs. Thus, it is our opinion that a municipality which follows the provisions of proposed RSA 231:92-a will satisfy City of Dover's mandate that no municipality be held liable for an insufficiency unless it has had adequate opportunity to respond to it.

Although the "actual notice/adequate opportunity to respond" standard is met by proposed RSA 231:92-a, the section requires a showing of "wilful or wanton negligence or recklessness," not "gross negligence" or "reckless disregard." As required by proposed RSA 231:92, I(b) and (c), none of these degrees of culpability are defined in the proposed statutes; moreover, City of Dover does not specify

what degree of culpability beyond ordinary negligence can be required. We assume that "wilful or wanton negligence or recklessness" are intended to refer to a degree of culpability greater than ordinary negligence, see *id.* at 10. As such, proposed RSA 231:92-a satisfies the constitutional strictures set forth in *City of Dover*. Until we are squarely presented with the issue, we will not decide whether a statute could require a plaintiff to prove a degree of culpability even greater than gross negligence, recklessness, or wilful or wanton negligence.

The remaining provisions of SB 151-FN do not appear to contravene the requirements of *City of Dover*, or otherwise violate part I, articles 2 and 12. *City of Dover* does not require a municipality to keep all of its highways and sidewalks maintained at the same level of repair, and therefore paragraph III of proposed RSA 231:90 appears constitutionally adequate. Paragraph II of proposed RSA 231:91 renders a municipality liable in the event it fails to respond to a written notice of insufficiency in the manner required by proposed RSA 231:91, I, and therefore repeats the provisions of proposed RSA 231:92, I(a). Although largely redundant, this paragraph suffers no constitutional infirmities beyond those described above in connection with proposed RSA 231:92, I.

Proposed RSA 231:92, II, requiring a plaintiff's complaint to specify the means by which a municipality learned of an insufficiency, does no more than admonish a plaintiff to properly investigate and carefully plead his or her case. As such, it is constitutional. Paragraph III of proposed RSA 231:92 states that the acceptance or layout of a road by a municipality does not give it actual notice of any insufficiency created prior to the acceptance of layout. This provision also satisfies the requirements of *City of Dover*. One cannot assume that municipal officials carefully inspect every foot of a road before the road is made public. If an official does observe, or is told of, an insufficiency before layout or acceptance, then the provisions of proposed RSA 231:92, I, come into play and the "actual notice/adequate opportunity to respond" requirements are met.

Paragraph IV of proposed RSA 231:92 labels the setting of road maintenance standards a "discretionary, policy function for which the municipality shall not be held liable in the absence of malice or bad faith." Although the determination of whether a particular municipal act is a "discretionary, policy function" is for the court, and not the legislature, to make, we agree with the proposition and can find no constitutional fault with it. See *City of Dover*, 133 N.H. at 115, 575 A.2d at 1283.

Proposed RSA 231:93, granting municipalities immunity for injuries suffered on particular classes of highways, is constitutionally justified because each class named consists of either highways main-

tained solely by the State, see RSA 230:1 (Supp. 1990) (class I highways); RSA 230:3 (Supp. 1990) (state-maintained portions of class II highways); RSA 230:66 (Supp. 1990) (highways to public waters); RSA 233:8 (Supp. 1990) (class III roads); or highways not required to be maintained by a municipality, see RSA 231:82 (class VI highways). As such, municipalities should not be held responsible for insufficiencies on these roads. Finally, proposed RSA 412:3 passes constitutional muster. This provision purchase liability insurance, to state that a municipality's liability is determined as if it were a private corporation, "except when a standard of care differing from that of (a) private corporation is set forth by statute." In *City of Dover*, we explicitly stated that a municipality may be held to a lower standard of care with respect to its highways and sidewalks than a private corporation. *City of Dover*, 133 N.H. at 118, 575 A.2d at 1285. Thus, this provision comports with part I, articles 2 and 12.

Finally, proposed RSA 507-B:2 appears to comply with the requirements of *City of Dover*. The proposed statute merely refers regard to sidewalks, streets, and highways, and therefore adds no substance to SB 151-FN.

We note that "our response to the . . . question(s) presented reflects the best review of the general law that we have been able to make in the time available to us." *Opinion of the Justices*, 128 N.H. 14, 17, 509 A.2d 744, 746 (1986). Moreover, "since requests for our advisory opinions come to us with no record beyond the assumptions stated in the requests themselves," *Opinion of the Justices*, 132 N.H. 777, 783, 584 A.2d 1342, 1346 (1990), our response is necessarily qualified. Because it is impossible to anticipate the myriad fact patterns which may arise and test the limits of SB 151-FN, we "cannot guarantee that we have been able to address every possible issue that may be raised under article(s) (2 and 12)." *Opinion of the Justices*, 128 N.H. at 17, 509 A.2d at 746.

We respectfully decline to answer your third question, whether SB 151-FN violates any other provision of the New Hampshire Constitution, because of its generality. See *Opinion of the Justices*, 131 N.H. 640, 644, 557, A.2d 273, 276 (1989).

David A. Brock

William F. Batchelder

William R. Johnson

W. Stephen Thayer, III

Sherman D. Horton

New Hampshire Municipal Association — (H. Bernard Waugh, Jr., on the memorandum), filed a memorandum in support of negative answers. Abramson, Reis & Brown, of Manchester (Jill A. DeMello), filed a memorandum in support of affirmative answers.

SENATOR FRASER: Mr. President, first of all, let me report that I introduced SB 151 at the request of 69 percent of the cities and towns in the state of New Hampshire. Those are the communities that are members of the New Hampshire Municipal Association Property and Liability Trust which is a self-funded program. For 100 years, Mr. President, prior to 1974 the cities and towns in the state of New Hampshire were protected from liability under the doctrine of sovereign immunity. However, in 1974 in the case involving the city of Manchester, the New Hampshire Supreme Court determined that the doctrine sovereign immunity, to not allow for equal protection under the law, and the document was determined to be unconstitutional. At that time, the court allowed the legislature a great deal of latitude in passing laws that would address this problem. Shortly thereafter, the General Court passed what became part of RSA 231. In recent times that law too was contested, and once again, the Supreme Court determined that what was passed following that decision in 1974 was also unconstitutional. I bring before the Senate here today, what we believe to be a solution to the problem in the form of SB 151. The bill passed the Senate committee on Transportation and was brought to the floor. At the suggestion of two of our colleagues who are also attorneys, rather than pass legislation that might proved to be unconstitutional, by SR 6 we requested an Opinion of the Justices. On the date of 05/28/91, the Supreme Court determined that what we are attempting to do through the vehicle of 151, does in fact, meet the test of constitutionality with the amendment that you have before you. There are 3 changes. The original bill applied to both highways and sidewalks in most places, but only in the section of the bill determining. But in the section of the bill defining insufficiency, it mentioned only highways and left out sidewalks. The Supreme Court said that this could cause some constitutional problems. This amendment solves the problem by inserting the word sidewalks wherever highways are mentioned. Therefore, the bill applies the same standard of care to both highways and sidewalks. Another amendment had to do with who's knowledge of highway defects triggers the towns or cities duty to respond. In the original bill it was just offered as responsible for highways. The Supreme Court said that the constitution requires some response if the Mayor, the Selectman, or the Clerk have actual knowledge of the defect. This amendment inserts those officials into the bill so that their knowledge of dangerous conditions as chargeable to the municipality. It also includes on duty police and firemen. The original bill used gross negligence and reckless disregard for the liability standard in most of the bill, but used willful and negligence in a section on weather created hazards. The Supreme Court raised its eyebrows at this inconsistency. This amendment changes the weather hazards

standards so that it is uniform with the rest of the bill, namely, gross negligence and reckless disregard. My fellow colleagues in the Senate, the New Hampshire Municipal Association has designated SB 151 as a priority action policy. It was adopted unanimously by the membership at their meeting in the fall of 1990. I sincerely urge the Senate to adopt the floor amendment and then pass the bill onto the House. Thank you, Mr. President.

Senator Russman moved to dispense with the reading of the Opinion of the Justices.

Adopted.

SENATOR RUSSMAN: I just wanted to speak briefly on this bill. I am going to vote for it, although I have reservations about this and all types of these liability bills. One of the things that was a concern to me is, if a town clerk gets written notice, that is deemed to be sufficient notice to a town. But not many people are likely to actually write to the town clerk to give them written notice. The other section that can be oral notice, you have to be able to prove actual notice, the Selectmen, the Mayor, Chief Executive Official, town or city clerk or municipal offices responsible for maintenance and repair of highways, bridges and etc. Yesterday I talked with some people and we added the language 'or any on duty police or fire department person' so that if you were riding home and you saw there was black ice or some bad situation, road washed out and if you stopped and told one of the police officers, that would be sufficient notice for the town. So if they didn't do something, and even then they have to be grossly negligent, not just simple negligent, but grossly negligent in order to be held liable. So the bill is certainly a compromise in terms of your constituents right to recover for injuries they received if the municipality is negligent. And at the same time it does offer the municipalities some protection in terms of litigation that might be overwhelming. So I think that as a practical matter, the bill probably deserves passage. But certainly you ought to understand that it is a bill which does compromise constituents rights to some degree even though it does provide the municipality with some degree of protection. So with the changes that are in it, I think it is probably appropriate to vote passage on it.

SENATOR DISNARD: Senator Fraser, on page 3 of your floor amendment, 23992A may I interpret that as if a store is on public main street as an example, and on the sidewalk in front, somebody falls. The community is not liable, but if a store is located in a mall and someone falls, that the mall owner is liable. If that is true, I think the inconsistency bothers me. I don't know if that is true, but I just want to know what this says?

SENATOR FRASER: I will defer to Senator Russman.

SENATOR RUSSMAN: Well a mall would be a private ownership and they would be responsible themselves, depending on if the lease agreement said that the mall owner is responsible for snow and ice removal. If that is what you're talking about, for the instance of snow and ice or for a defect in the sidewalk or what have you, then it would be up to the mall, and the municipality would have no liability in that situation.

SENATOR DISNARD: Does that seem inconsistent in one instance and the municipality does not have a liability, but if the same thing happens to a type of store and that does have a liability? It doesn't seem realistic to me.

SENATOR RUSSMAN: Well, Senator Disnard, that is the horns of the dilemma that people find themselves on in voting for this type of legislation. There is no question what we are doing here, on the one hand is giving the municipalities a break in terms of liability, without a doubt. There is no question. They get a healthy break in that regard. At the same time, we are trying to balance what protection our constituents deserve in terms of injuries that they might receive because, in this case gross negligence in the hands of the municipality. For example, when this first came up we had a large hole in one of the roads and there was car sticking out of it on the front page of the newspaper. In that case, unless the municipality had some actual notice, which probably they should. If they didn't know about it they shouldn't be liable. But if they actually knew of that, and they were grossly negligent, then they would be responsible. If they knew about that situation and they were only simply, or let's say very casually negligent, then there would be no liability. So we are giving the municipalities a break, there should be no mistake about that. At the same time, it is a balance between constituents behavior and rights as opposed to municipalities.

SENATOR HOLLINGWORTH: Just briefly. When the court decision came down, I received a copy of it quite soon after and I read it over several times. I came away thinking at the very best that this is a qualified decision. I am going to support passage of 151, because of the changes that the people have made in the legislation, because they have changed it to absent gross negligence and reckless disregard of the hazard. I think that addresses the problem. But I do want it to be stated for the record, that the court has not said that this is constitutional. What they have said is, that there are parts of it that might hold up to constitutional challenge, but there are also other parts that may not. I think that the attempt of Senator Fraser

to clean up the language is a good attempt, and therefore, I will be supporting it, but I do want you to be aware that the decision that we got is at the best, a qualified decision, not a quality decision.

SENATOR SHAHEEN: Senator Russman, how would gross negligence be definition with respect to this statute?

SENATOR RUSSMAN: Well that is part of the interesting theory of this case. If you do a study of common law and statutory law, there is no statutory definition of gross negligence. There was, except to say, I mean I think we can all understand that you would have to be very, very negligent to be grossly negligent. There was some indication of perhaps changing the language to culpable negligence under the criminal code. Because culpable negligence is defined and it requires a specific state of mind. But in terms of gross negligence, there is no definition in the statutes on what is gross negligence. That would probably be left to a jury to decide if indeed it was to the point where a town was grossly negligent.

SENATOR SHAHEEN: I guess I am still having trouble, and maybe Senator Fraser can help with this. If we are saying that a community is only liable if they are grossly negligent, but we have no definition of gross negligence, then how do we ever determine if a community is negligent?

SENATOR FRASER: I can only echo what Senator Russman has already indicated. When we were doing the bill, the original was 441 and reckless misconduct if I remember correctly, but that was even less of a degree of care that was owed to the pedestrian traffic up to vehicular traffic. Something less than that is gross negligence. Now what Senator Russman has indicated is probably what we had concern about. What would ultimately happen is, that there would have to be a definition by the court as to what constitutes gross negligence. The reason that we didn't use culpable negligence, Mr. President, is because of the fact that that is criminal, that language, it is not civil, it's criminal as I understand it.

SENATOR PRESSLY: Senator Fraser, just having received this, this has been a bill that I have been very concerned about. It has been a problem in my city and in my towns with the liability factor. Can you give me some assurance that the municipalities will still be responsible for what takes place in their domain, but that they will not, in that they will treat the people fairly. How will this change what is actually going on now? What is this going to do to the relationship between the municipalities and the citizens?

SENATOR FRASER: I think probably the best way to describe it is because of the City of Dover decision in 1990. Really there is no protection for the cities and towns and the communities, except to

refrain from ordinary negligence. Prior to 1974, if it was 100 years previously, it was always that the cities and the towns were protected by the doctrine of sovereign immunity. They had to agree to be sued, I think that is the correct way to put it. So all the bill is trying to do is to get the towns to be at least protected except if they are grossly negligent. And as I say, gross negligence is a term out there that would have to be interpreted by the court.

Senator Fraser offered a floor amendment.

Floor Amendment to SB 151-FN

Amend RSA 231:90 as inserted by section 3 of the bill by replacing it with the following:

231:90 Duty of Municipality after Notice of Insufficiency.

I. Whenever any class IV or class V highway or bridge or sidewalk thereon in any municipality shall be insufficient, any person may give written notice of such insufficiency to one of the selectmen or highway agents of the town, or the mayor or street commissioners of the city, and a copy of said notice to the town or city clerk. The notice shall be signed and shall set forth in general terms the location of such highway, bridge, or sidewalk and the nature of such insufficiency.

II. For purposes of this subdivision, a highway or sidewalk shall be considered "insufficient" only if:

(a) It is not passable in any safe manner by those persons or vehicles permitted on such sidewalk or highway by state law or by any more stringent local ordinance or regulation; or

(b) There exists a safety hazard which is not reasonably discoverable or reasonably avoidable by a person who is traveling upon such highway at posted speeds or upon such sidewalk, in obedience to all posted regulations, and in a manner which is reasonable and prudent as determined by the condition and state of repair of the highway or sidewalk, including any warning signs, and prevailing visibility and weather conditions.

III. A highway or sidewalk shall not, in the absence of impassability or hidden hazard as set forth in paragraph II, be considered "insufficient" merely by reason of the municipality's failure to construct, maintain or repair it to the same standard as some other highway or sidewalk, or to a level of service commensurate with its current level of public use.

Amend RSA 231:91, I as inserted by section 4 of the bill by replacing it with the following:

I. Upon receipt of such notice of insufficiency, and unless the highway agents or street commissioners determine in good faith that no such insufficiency exists, the municipality shall immediately

cause proper danger signals to be placed to warn persons by day or night of such insufficiency, and shall, within 72 hours thereafter, develop a plan for repairing such highway, bridge, or sidewalk and shall implement such plan in good faith and with reasonable dispatch until the highway, bridge, or sidewalk is no longer insufficient, as defined by RSA 231:90, II.

Amend RSA 231:92, I(b) as inserted by section 5 of the bill by replacing it with the following:

(b) The selectmen, mayor or other chief executive official of the municipality, the town or city clerk, any on-duty police or fire personnel, or municipal officers responsible for maintenance and repair of highways, bridges, or sidewalks thereon had actual notice or knowledge of such insufficiency, by means other than written notice pursuant to RSA 231:90, and were grossly negligent or exercised bad faith in responding or failing to respond to such actual knowledge; or

Amend RSA 231:92-a as inserted by section 6 of the bill by replacing it with the following:

231:92-a Snow, Ice and other Weather Hazards. Notwithstanding RSA 231:90-92, a municipality shall not be held liable for damages arising from insufficiencies or hazards on public highways, bridges, or sidewalks, even if it has actual notice or knowledge of them, when such hazards are caused by snow, ice, or other inclement weather, and the municipality's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities adopted in good faith by the officials responsible for such policy; and all municipal employees and officials shall be presumed to be acting pursuant to such a policy or set of priorities, in the absence of proof to the contrary.

Floor Amendment Adopted.

Ordered To Third Reading.

COMMITTEE OF CONFERENCE REPORT

COMMITTEE OF CONFERENCE REPORT ON HB 619-FN

The committee of conference to which was referred House Bill 619-FN, An Act relative to central business districts having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 162-L:8 as inserted by section 3 of the bill by replacing it with the following:

162-L:8 Investment Tax Credit.

I. An investment tax credit equal to 75 percent of the contribution made to the authority during the contributor's tax year shall be allowed at the contributor's election against one of the following:

(a) Taxes imposed by RSA 77-A.

(b) Taxes imposed by RSA 84.

(c) Taxes imposed by RSA 400-A.

II. The credit or any unused portion thereof, may be carried forward for no more than 5 succeeding tax years, but shall not exceed \$200,000 in any given tax year.

Amend the bill by replacing all after section 4 with the following:

5 Repeal. The following are repealed:

I. RSA 77-A:5, V, relative to investment tax credits.

II. RSA 162-L:8, relative to investment tax credits.

6 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 5 of this act shall take effect June 30, 1996.

III. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Bass, Dist. 11

Sen. Dupont, Dist. 6

Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. Grodin, Ches. 6

Rep. D. Sytek, Rock. 20

Rep. Barnes, Rock. 6

Rep. Salatiello, Belk. 3

Senator Bass moved adoption of the Committee of Conference report.

Adopted.

Senator Heath in opposition to HB 619.

Recess.

Out of recess.

Enrolled Bill Amendment to HB 443-FN-A

Amend RSA 483-B:7 as inserted by section 1 of the bill by replacing line 3 with the following:

voluntarily assist with the permitting process under RSA 483-B:6 and

Amend RSA 483-B:14, II as inserted by section 2 of the bill by replacing line 9 with the following:

in RSA 483-B:14, I for appeals shall apply.

Amend the bill by deleting section 6 and renumbering sections 7-11 to read as 6-10.

Amend section 8 of the bill by replacing it with the following:

8 Contingency. Sections 1, 2, and 5 of this act shall take effect only after the general court has approved funding of sections 1, 2, and 5 of this act after consideration of the implementation plan required under section 7 of this act, except that any gifts, grants, and donations solicited or received by the department of environmental services under RSA 483-B:15 may be expended only for the purpose of preparation of the report required under section 7 of this act. The commissioner shall not activate the rulemaking process pursuant to RSA 483-B:17 until the general court has approved funding of sections 1, 2, and 5 of this act after consideration of the implementation plan required under section 7 of this act.

Amend section 9 of the bill by replacing line 1 with the following:

9 Study Committee Established; Mining Registration Permits Restrained.

Amend subparagraph II(j) of section 9 of the bill by replacing it with the following:

(j) The executive director of the department of fish and game, or his designee.

Amend paragraph I of section 10 of the bill by replacing it with the following:

I. Sections 1, 2, and 5 of this act shall take effect as provided in section 8 of this act.

Senator Humphrey moved adoption.

Adopted.

TAKEN OFF THE TABLE

Senator J. King moved to have HB 328-A, an act relative to a new Manchester district court facility and making an appropriation therefor, Taken Off The Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 328-A

The committee of conference to which was referred House Bill 328-A, An Act relative to a new Manchester district court facility and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Administrative Services. The sum of \$250,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1992, for the site location, design, architectural plans and rehabilitation and renovation of a new Manchester district court facility. In planning this facility, the department of administrative services shall consider issues including cost, accessibility, and needs for space now and in the future for such purposes as storage of records, building security, separation of adult and juvenile detainees, and private conference rooms. The department of administrative services shall adopt plans for the facility after consultation with the current Manchester district court justices and the capital budget overview committee.

*Conferees on the Part
of the Senate*

Sen. Nelson, Dist. 13

Sen. J. King, Dist. 18

Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1

Rep. Alukonis, Hills. 19

Rep. LaMott, Graf. 5

Rep. O'Rourke, Hills. 35

Senator Nelson moved to nonconcur with the Committee of Conference report.

Committee of Conference report Fails.

Senator Nelson moved to request a new Committee of Conference Report.

Adopted.

Recess.

Out of recess.

COMMITTEE OF CONFERENCE REPORT ON HB 286-FN

The committee of conference to which was referred House Bill 286-FN, An Act relative to the operation of powerboats on Long Pond in the town of Northwood having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Long Pond Restrictions. RSA 270:106 is repealed and reenacted to read as follows:

270:106 Long Pond.

I. No person shall use or operate any powerboat equipped with any type of power motor in excess of 10 horsepower upon Long Pond in the town of Northwood.

II. Any person who violates this section shall be guilty of a violation.

III. The provisions of this section shall not take effect until 2 years after the date on which the state is granted deeded public access to Long Pond in the town of Northwood.

2 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Heath, Dist. 3

Sen. Currier, Dist. 7

Sen. St. Jean, Dist. 20

*Conferees on the Part
of the House*

Rep. Stewart, Graf. 4

Rep. Katsakiores, Rock. 7

Rep. Klemarczyk, Rock. 13

Rep. Turgeon, Hills. 46

AMENDED ANALYSIS

This bill prohibits the use of powerboats equipped with a motor in excess of 10 horsepower on Long Pond in the town of Northwood. The provisions of this bill shall not take effect unless the state is granted deeded public access to Long Pond.

Senator Heath moved adoption of the Committee of Conference report.

Adopted.

TAKEN FROM THE TABLE

Senator Delahunty moved to have HB 334, an act relative to the establishment of agency liquor stores, Removed Off The Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 334-FN

The committee of conference to which was referred House Bill 334-FN, An Act relative to the establishment of agency liquor stores having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 177:11, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Neither the proposed agency liquor store nor any state liquor store is within 5 road miles of an existing state liquor store or an existing agency liquor store.

Amend RSA 177:11, III as inserted by section 3 of the bill by replacing it with the following:

III. In the event that a proposed agency liquor store will replace a state liquor store, the commission shall make reasonable efforts, to provide state employees other positions, if available.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15

Sen. Russman, Dist. 19

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Behrens, Sull. 3

Rep. W. Desrosiers, Hills. 43

Rep. McKinney, Rock. 23

Rep. Reidy, Hills 45

Senator McLane moved adoption of the Committee of Conference report.

Adopted.

TAKEN FROM THE TABLE

Senator Nelson moved to have HB 488, an act relative to the flexible spending programs, Removed Off The Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 488-FN

The committee of conference to which was referred House Bill 488-FN, An Act relative to the flexible spending programs having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Nelson, Dist. 13

Sen. Delahunty, Dist. 22

Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Ward, Graf. 1

Rep. Shibley, Belk. 6

Rep. R. Wheeler, Hills. 6

Rep. Pelley, Straf. 10

Senator Nelson moved adoption of the Committee of Conference report.

Adopted.

TAKEN OFF THE TABLE

Senator W. King moved to have HB 509, an act clarifying the definition of public benefit relative to permitting solid waste facilities, Removed Off The Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 509

The committee of conference to which was referred House Bill 509, An Act clarifying the definition of public benefit relative to permitting solid waste facilities having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 149-M:10-c, VII as inserted by section 3 of the bill by replacing it with the following:

VII. Any proposed solid waste facility to be owned and controlled by a solid waste district, or a member municipality on behalf of its solid waste district, shall be deemed to fulfill the requirements of subparagraph III(a) provided that it is built within the district and shall serve only the capacity needs of that district. Any permit issued for a facility which fulfills the public benefit requirement by relying on this paragraph shall state that the facility is limited to receiving solid waste generated within that district.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Russman, Dist. 19

Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. Scanlan, Graf. 11

Rep. Trombly, Merr. 4

Rep. J. Bradley, Carr 6

Rep. Burnham, Ches. 5

Senator Russman moved noncurrence and request a new Committee of Conference Report.

Committee Report Fails.

Senator Russman moved that we request a new Conference Report and keep the same appointees.

Adopted.

TAKEN OFF THE TABLE

Senator J. King moved to have HB 613-FN, an act relative to the procedures of the certificate of need board, Removed Off The Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 613-FN

The committee of conference to which was referred House Bill 613-FN, An Act relative to the procedures of the certificate of need board having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 8 with the following:

8 Notice. Amend the introductory paragraph of RSA 151-C:8, I to read as follows:

I. If a standard developed through RSA 151-C:5 or 151-C:6[,] indicates a need for additional health services, the board shall issue a request for applications. The board shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the board is [accepting] **requesting** applications for certificates of need for the specified service. At a minimum the notice shall include:

Amend the bill by replacing section 9 with the following:

9 New Subparagraph; Notice. Amend RSA 151-C:8, VI(b) to read as follows:

(b) For purposes of this paragraph, "affected persons" include [health systems agencies for contiguous health service areas, all health care facilities and health maintenance organizations included on the comprehensive mailing list developed and maintained pursuant to RSA 151-C:5, I(a), the New Hampshire Hospital Association, the New Hampshire Medical Society, the New Hampshire Health Care Association, the Community Health Care Association, the New Hampshire Association of Counties, third-party payors licensed and doing business in this state], **organizations of health care providers and organizations of health care consumers, as defined by the board by rules adopted pursuant to RSA 541-A**, and members of the public who are to be served by the proposed project. For purposes of this paragraph, notification of all qualified applicants in which the proposed project is to be offered or developed shall be by certified mail. Notification to all affected persons[, except] **shall be by mail and notification to** members of the public, shall be by [mail] **newspaper**. [Notification to members of the public shall be by the publication required in this paragraph. Notification to third-party payors licensed and doing business in the state shall be to those third-party payors who have complied with an annual notification as of the effective date of this provision informing them that if they wish to be included on a certificate of need mailing list, they shall submit a written request to the board within 30 days.] **Notification by newspaper shall serve as appropriate notice to all health care facilities located within the state.**

(c) **If an affected person fails to receive notification which was provided in accordance with this paragraph, such failure of notice shall not be grounds for reversal of a decision made by the board, defeat any jurisdiction of the board, or adversely affect the regularity of any proceedings before the board.**

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. McLane, Dist. 15
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. R. Foster, Carr. 4
Rep. Ziegler, Belk. 6
Rep. A. Torr, Straf. 6
Rep. Copenhagen, Graf. 12

AMENDED ANALYSIS

This bill makes the following changes and additions to the certificate of need law:

(a) Changes the threshold for a certificate of need for construction, renovation, expansion or alteration of any acute care health facility to \$1,500,000, adjusted annually to reflect inflation.

(b) Adopts a threshold of \$1,000,000, for a certificate of need for nursing homes, specialty hospitals and all other health facilities. The threshold for construction, development, expansion, or alteration of these facilities shall be adjusted annually to reflect inflation.

(c) Establishes notice requirements by newspaper for solicitation of requests for applications, standard development, and rulemaking.

(d) Eliminates comprehensive mailing lists.

(e) Establishes a time frame for completeness review of amended applications.

(f) Changes the time frame for bed increases.

(g) Clarifies the function of ambulatory surgical facilities.

Senator J. King moved adoption of the Committee of Conference report.

Adopted.

TAKEN OFF THE TABLE

Senator Fraser moved to have HB 784-FN, an act creating a long-range construction program for New Hampshire's highways and highway bridges, Removed Off The Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 784-FN

The committee of conference to which was referred House Bill 784-FN, An Act creating a long-range construction program for New Hampshire's highways and highway bridges having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate

Sen. Fraser, Dist. 4

Sen. Oleson, Dist. 1

Sen. Hough, Dist. 5

Conferees on the Part of the House

Rep. G. Chandler, Carr. 1

Rep. B. Marsh, Coos 1

Rep. W. Driscoll, Graf. 8

Rep. D. Kilbride, Coos 8

Senator Fraser moved adoption of the Committee of Conference report.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 22, relative to changes in reimbursement requirements for psychologists.

COMMITTEE OF CONFERENCE REPORT ON SB 22

The committee of conference to which was referred Senate Bill 22, An Act relative to changes in reimbursement requirements for psychologists having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate

Sen. Nelson, Dist. 13

Sen. Fraser, Dist. 4

Sen. St. Jean, Dist. 20

Conferees on the Part of the House

Rep. Hogan, Ches. 1

Rep. Hunt, Ches. 9

Rep. Gross, Merr. 16

Rep. Guay, Coos 7

Senator Nelson moved adoption of the Committee of Conference report.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 42-FN, relative to the board of podiatry.

COMMITTEE OF CONFERENCE REPORT ON SB 42-FN

The committee of conference to which was referred Senate Bill 42-FN, An Act relative to the board of podiatry having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7
Sen. Colantuono, Dist. 14
Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. Kidder, Merr. 2
Rep. Emerton, Hills. 6
Rep. Ward, Graf. 1
Rep. McGovern, Rock. 27

Senator Colantuono moved adoption of the Committee of Conference report.

SENATOR NELSON: Senator Blaisdell, you know that we don't have the bills, we just have a piece of paper that has your name on it. So I see that you are the senior member on the group, so therefore I choose to ask you the question. What is this podiatry bill?

SENATOR BLAISDELL: What happened is that the Attorney General came in to us and asked us to put in some regulations in the Podiatry. It seems that some of the Podiatrist in the state of New Hampshire are cutting people's feet off. They don't have licenses. So what we did is we put in some rules that says that you can't do that. Just as simple as that.

SENATOR NELSON: You mean that they can't operate?

SENATOR BLAISDELL: Yes. They are trying to regulate some rules. Those people are breaking the law. What we are trying to do is straighten it out. That is all that this bill does.

SENATOR NELSON: What about laser surgery?

SENATOR BLAISDELL: I really don't know that, Senator. It wasn't part of the discussion.

SENATOR PRESSLY: Senator Blaisdell, I am a bit confused. Are you telling me this paper says that the Senate Concurred with the House, are you saying now that all new language was brought in?

SENATOR BLAISDELL: There was some language, not all new language, but some added new language, yes.

SENATOR PRESSLY: So in other words, what we are voting on is totally new for both chambers?

SENATOR BLAISDELL: What it is, is really what the Attorney General really asked for to regulate, and that is what we did.

Recess.

Out of recess.

SENATOR COLANTUONO: Briefly what happened here was that after this bill left the Senate, some concerns were raised about Emergency Medical Technicians. Senator Currier went over to the House committee and asked them to include the language about

EMT's onto the Podiatrist bill. That is the reason for the House amendment. The House did not amend the Podiatry part of this bill. When the bill came out, Senator Currier did not want to concur right away, because some additional questions had been raised about the amendment so he nonconcurred. That was the reason for the Committee of Conference. Those questions were ironed out; However, because Senator Currier is not here, I think it would be appropriate to table it until he gets back so that he can answer all the questions that we have. I believe that another Senator would like to make that motion.

Senator Fraser moved to have SB 42, Laid On The Table.

Adopted.

SB 42, IS LAID ON THE TABLE.

Recess.

Out of recess.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 180-FN, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals.

COMMITTEE OF CONFERENCE REPORT ON SB 180-FN

The committee of conference to which was referred Senate Bill 180-FN, An Act relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 76:16, II as inserted by section 3 of the bill by replacing it with the following:

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and grant or deny the application in writing within 6 months after notice of such tax, and failure to do so shall constitute a denial, except that in the year following a property reevaluation, municipalities

having 9,000 or more parcels shall have an additional 2 months to respond to appeals. "Notice of such tax" is defined in RSA 76:16-a, I.

Amend RSA 76:16-a, I as inserted by section 4 of the bill by replacing it with the following:

I. [If] After the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$40 filing fee, may, within [6] 8 months after notice of such tax, and not afterwards, apply in writing to the board of tax and land appeals which, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. Property owners who have appealed a tax assessment to the board of tax and land appeals and who receive a tax bill for a subsequent year prior to the time the board of tax and land appeals has acted on the original appeal shall be automatically considered as having appealed the subsequent bill and no further filing fee shall be required. "Notice of such tax" means the date the department of revenue administration determines to be the last date of mailing of tax bills by the taxing district. The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9

Sen. W. King, Dist. 2

Sen. Delahunty, Dist. 22

*Conferees on the Part
of the House*

Rep. Grodin, Ches. 6

Rep. Perry, Ches. 10

Rep. Salatiello, Belk. 3

Rep. Soucy, Hills. 39

AMENDED ANALYSIS

The bill changes the filing period for requesting a tax abatement from the municipalities from 60 days to 2 months to make time periods consistent in the statute. The bill also makes explicit the town's existing duty to review and decide abatement applications, specifying a time period to complete such review and decision. The bill amends the appeal procedure by requiring a decision or denial from the municipality before appealing to the board of tax and land appeals.

The bill also specifies that a person must only pay one filing fee for each appeal to the board of tax and land appeals.

Senator Roberge moved adoption of the Committee of Conference report.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 181-FN, relative to the number of winner take all bingo games allowed on game date.

COMMITTEE OF CONFERENCE REPORT ON SB 181-FN

The committee of conference to which was referred Senate Bill 181-FN, An Act relative to the number of winner take all bingo games allowed on one game date having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate

Sen. McLane, Dist. 15

Sen. Russman, Dist. 19

Sen. Disnard, Dist. 8

Conferees on the Part of the House

Rep. R. Kelley, Hills. 13

Rep. Palazzo, Rock. 16

Rep. Rosencrantz, Rock. 15

Rep. D. Kelley, Hills. 11

Senator McLane moved adoption of the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 352-FN

The committee of conference to which was referred House Bill 352-FN, An Act relative to the oil discharge and disposal cleanup fund having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 5 with the following:

6 Fee Changed; July, 1993. Amend RSA 146-A:11-b, II to read as follows:

II. Any operator, distributor, dealer, or broker who or any whole-sale terminal facility which imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed under this chapter. The annual fee for the license shall be [\$.001] **\$.025** per [gallon] **barrel** of oil which shall be assessed at the time of sale. The fee shall be paid monthly by the licensee to the department of safety and then deposited by the department of safety into the oil pollution control fund administered by the division of water supply and pollution control. Imposition of the fee shall be based on the records of the licensee and certified as accurate to the department of safety. The fee set in this paragraph shall not apply to [1,000 gallons] **25 barrels** of oil or less, when the oil is packaged in individual containers of [55 gallons or] less **than one barrel**.

7 New Section; Competitive Bidding Required; Rulemaking. Amend RSA 146-D by inserting after section 5 the following new section:

146-D:5-a Competitive Bidding Required; Rulemaking.

I. The commissioner of environmental services shall enter into the competitive bidding process for any project undertaken by the department of environmental services under the authority of this chapter with an estimated cost of \$10,000 or more. The commissioner may enter the competitive bidding process for any such project with an estimated cost of less than \$10,000.

II. The commissioner of environmental services shall adopt rules, pursuant to RSA 541-A, relative to the competitive bidding process to be used under this section.

8 Effective Date.

I. Section 5 of this act shall take effect July 1, 1991.

II. Section 6 of this act shall take effect July 1, 1993.

III. The remainder of this act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Fraser, Dist. 4

Sen. Heath, Dist. 3

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2

Rep. Lewis, Merr. 5

Rep. Stamatakis, Sull. 4

Rep. Holbrook, Belk. 13

AMENDED ANALYSIS

The bill redefines oil for the purposes of the oil discharge and disposal cleanup fund. The bill also clarifies what expenses are eligible for reimbursement through the fund.

This bill allows the oil fund disbursement board to employ legal counsel, with the approval of governor and council, to assist it in its duties.

In addition, this bill changes the annual fee for a license from \$.025 per barrel to \$.001 per gallon, for the 1991-93 biennium.

This bill also requires the commissioner of environmental services to enter into the competitive bidding process for projects undertaken under RSA 146-D, the oil discharge and disposal cleanup fund, with an estimated cost of \$10,000 or more and to establish rules relative to the competitive bidding process.

Senator W. King moved adoption of the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 182-FN

The committee of conference to which was referred Senate Bill 182-FN, An Act relative to the division of information services having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. For over 2 years, the state data processing and computer management study committee has reviewed almost every aspect of state computer operations. The committee's duties were to examine all aspects of data processing throughout the state. As a result of the study, it is the intent of the legislature to establish an office of information technology management, as the first step in decentralizing computer operations. This is to be accomplished by dissolving the division of information services and assigning the computer development activities directly to several user agencies while the data center operations activities will be assigned to the department of administrative services and the department of health and human services. The office of information technology

management will be staffed by a director and a small staff, whose function will be to assist state agencies in developing statewide plans, develop system standards, coordinate development of agency budgets for information systems, provide agency training and educational programs, provide technical consultation and review agency plans and equipment acquisitions. In addition, the office will monitor the effectiveness of the use of information technology resources and report to the governor and legislature. A data base management advisory committee shall serve as the transition authority through January 1, 1993, to ensure the orderly transition of operations.

2 New Subdivision; Office of Information Technology Management Established. Amend RSA 21-I by inserting after section 65 the following new subdivision:

Office of Information Technology Management

21-I:66 Definitions. In this subdivision:

I. "Director" means the director of information technology management.

II. "Information technology" means the equipment and software used in electronic data processing and in voice and data communications.

III. "Information technology management" means the management of the equipment, software, personnel, budgets, and other resources involved in the operation of electronic data processing and voice and data communications.

21-I:67 Office Established; Functions. There is hereby established the office of information technology management, which shall be administratively attached to the department of administrative services. The office shall be under the supervision of a director of information technology management, who shall be responsible for the following functions:

I. Providing technical information technology consultation to any agency which requests it, including technical advice during the development or acquisition of information systems.

II. Monitoring technological trends and informing all state employees and officials about state of the art information systems and management techniques.

III. Developing a formal information technology planning process for approving agency information technology plans, provided that a legislative appropriation shall be considered final approval for any project requiring expenditure of funds.

IV. Preparing and maintaining a statewide information technology plan based upon agency data processing plans.

V. Reviewing and assessing the feasibility of agency plans, including cost estimates and impacts on other agencies.

VI. Developing those standards necessary to assure that hardware, software, and telecommunications systems acquired or developed by the state are as compatible among themselves and with existing state systems as is necessary and practical.

VII. Providing training and educational programs to technicians and managers.

VIII. Monitoring and reporting to the governor and legislature on the effectiveness of the use of information technology resources and on statewide progress in implementing technology plans.

IX. Coordinating information technology development efforts that affect multiple agencies or other levels of government.

X. Assigning to the various data centers throughout the state the data processing operations service responsibilities for those state agencies which do not have access to a data center and which request to be provided with such a service.

XI. Developing in concert with the commissioner of administrative services and the budget director the capital and operating budget requests for implementing each agency's information technology plan, including, but not limited to, appropriate standards for the uniform presentation of the general budget requests.

XII. Developing in concert with the director of plant and property management specifications for the procurement of computer equipment and software.

21-I:68 Director; Qualifications; Compensation.

I. The director shall be appointed by the governor, with the consent of council, and shall serve at the pleasure of the governor.

II. The director of the office shall be qualified to hold his position by reason of education and experience. He shall possess a broad working knowledge, with demonstrated expertise and proven organizational skills in the field of information technology management.

III. The salary of the director of the office shall be as specified in RSA 94:1-a.

21-I:69 Special Duties. In addition to the powers, duties, and functions otherwise vested in the director by RSA 21-I:67, the director shall:

I. Develop and implement, subject to approval by the governor and the legislature, a long-range information technology plan for the state of New Hampshire.

II. Report to the governor and to the legislature on January 1 of each year as to the progress made in implementing the state information technology plan.

III. Act as chairman of the information technology management advisory board.

IV. Establish technical committees to advise office staff in the development of technical standards, procedures, and processes.

21-I:70 Rulemaking. Notwithstanding any other provision of law, the director shall have the authority to adopt rules, pursuant to RSA 541-A, and to enforce such rules.

21-I:71 Information Technology Management Advisory Board.

I. There is hereby established the information technology management advisory board. The board shall advise the office on policy matters, strategic direction, and emerging trends in information technology, and shall review the information technology management office plan and state information technology plans.

II. The board shall consist of the following members:

(a) The director of the office of information technology management.

(b) The commissioner of administrative services.

(c) The commissioner of transportation.

(d) The commissioner of health and human services.

(e) The commissioner of safety.

(f) The commissioner of revenue administration.

(g) The legislative budget assistant.

(h) Two heads of departments, appointed by the governor.

(i) Two senior information technology executives from the private sector, appointed by the governor.

21-I:72 Technical Committees. The director may establish, as needed, working committees to advise the staff on technical issues. Each technical committee shall be composed of personnel from state agencies who are expert in the specific issue that is the focus of the committee. These issues may include but are not limited to:

I. Hardware, software, and telecommunications standards.

II. Information technology planning process.

III. Development of statewide policies and procedures.

3 New Section; Information Technology Plan. Amend RSA 9 by inserting after section 4-a the following new section:

9:4-b Information Technology Plan. Each executive department shall prepare an information technology plan in accordance with the information technology planning process developed by the director of the office of information technology management. The portion of each plan which addresses the upcoming biennium shall define the capital and operating budgets necessary for implementing the plan. The budget data in the information technology plan shall provide for both new information technology initiatives and existing operations and shall be consistent with the budget data submitted under RSA 9:4 and 9:4-a. In the case of the failure of any executive department to submit an information technology plan, the director of information technology management shall cause a plan to be prepared as in his opinion is reasonable and proper.

4 New Paragraph; Legislative Budget Assistant Audit Division. Amend RSA 14:31-a by inserting after paragraph IV the following new paragraph:

V. Conduct audits of the compliance of state agencies with state-wide information technology standards and procedures.

5 New Paragraph; Budget Unit of Department of Administrative Services. Amend RSA 21-I:6 by inserting after paragraph VII the following new paragraph:

VIII. Cooperate with the office of information technology management in the preparation of the statewide information technology plan, and incorporation of information technology planning into the budget process.

6 New Paragraphs; Functions of Division of Plant and Property Management. Amend RSA 21-I:11 by inserting after paragraph X the following new paragraphs:

XI. Requiring, prior to an agency's submission of a request for proposal for state data processing equipment, software, or services exceeding \$5,000 in total cost, that the agency obtain approval of the proposal by the director of the office of information technology to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the director of the office of information technology in support of requests for purchases of information technology equipment or software in excess of \$5,000.

7 New Paragraph; Bureau of Graphic Services in Division of Plant and Property Management. Amend RSA 21-I:12 by inserting after paragraph III the following new paragraph:

IV(a). A bureau of graphic services under the supervision of a classified administrator of graphic services who shall be responsible for the following functions:

(1) Supervising all state printing and its procurement.

(2) Ensuring that all legislative printing within the capability of the bureau of graphic services shall, at all times, have priority over other work of the bureau.

(3) Providing the capability to levy cost charges on the use of each state photocopier.

(4) Using the prison printshop to the extent it can efficiently do so to function as a vocational rehabilitation facility under the direct supervision of prison authority, provided the prison printshop shall be entitled to bid on any appropriate state printing job.

(5) Managing a service operation which shall provide graphic services to all state agencies.

(b) With reference to the bureau of graphic services and the rulemaking authority of the commissioner in this area, "graphic services" shall mean any method of producing written or pictorial representations and shall include, but not be limited to, all forms of photography, photocopy, duplicating and printing.

(c) The following exceptions to the authority of the administrator of graphic services shall apply:

(1) He shall exercise no management or other authority over the state police photo laboratory.

(2) He shall exercise no management or other authority over the printing, duplication, photocopying, photographic or other graphic services equipment or personnel of the university system of New Hampshire, the department of transportation, the department of employment security, and the general court.

8 Prohibition on Future Employment. Amend RSA 21-I:14-b to read as follows:

21-I:14-b Prohibition on Future Employment.

I. No commissioner, financial data manager, accounting director, [director of information services, or] director of plant and property management of the department of administrative services, **or director of the office of information technology management** shall accept any employment, including work as a consultant or lobbyist, with any vendor of goods or services holding a valid contract with the department, in excess of \$10,000 over the previous 2 years, until one year after he shall become separated from the department.

II. No vendor of goods or services holding a valid contract with the department, in excess of \$10,000 over the previous 2 years, shall employ any commissioner, financial data manager, accounting director, [director of information services, or] director of plant and property management of the department **or director of the office of information technology management** until one year after such employee has become separated from the department. Any such vendor who violates the provisions of this paragraph shall be barred from bidding on any future contract with the department for 5 years after such violation.

9 Work Order Required . Amend RSA 21-I:38 to read as follows:

21-I:38 Work Order Required.

I. Notwithstanding any other provision of law to the contrary, [the] **any provider** department [of administrative services], **excluding the legislative branch**, prior to performing **system development or** computer operation services for any user agency, shall obtain a written work order which:

(a) Defines the services being requested by the user agency **and the product to be delivered by the provider department.**

(b) Describes the effort which the **provider** department must expend in order to accomplish the services requested and, if 5 man-days or more are required to complete the work, includes a cost estimate.

(c) Is agreed to by both the **provider** department and the user agency, as evidenced by the signatures of representatives of both parties on the work order.

II. Any change or modification to the services requested by the user agency shall likewise be agreed to in writing by a supplement to the pertinent work order approved by both parties.

III. The work order form shall be furnished to the user agency by the **provider** department [of administrative services].

IV. As used in this section, "user agency" means any department, board, commission, institution or other agency or office of the state utilizing data processing services provided by [the] **any other** department [of administrative services], **excluding the legislative branch**.

10 Data Base Management Advisory Committee.

I. There is hereby established an advisory committee to advise the commissioner of the department of administrative services regarding data base management issues. The committee members shall be as follows:

(a) The speaker of the house of representatives, or designee.

(b) The president of the senate, or designee.

(c) The governor, or designee.

(d) Two members of the house of representatives, appointed by the speaker of the house of representatives. The speaker may appoint alternates for these positions.

(e) Two members of the senate, appointed by the president of the senate. The president may appoint alternates for these positions.

(f) The commissioner of the department of administrative services who shall act as chairman of the committee.

II.(a) The advisory committee shall serve as the transition authority to coordinate and oversee the transition to the new data processing management structure. During the transition period, in the absence of a state information technology plan, the director of the office of information technology management shall review and approve requests for proposals in accordance with RSA 21-I:11, XI to ensure that the procurement is consistent with agency budget requests, current operating environments, and any other criteria as may be determined by the advisory committee to be in the best interest of the state. The committee shall be authorized to provide

any reviews and approvals required of the director of the office of information technology management until the appointment of a director of that office.

(b) Notwithstanding other provisions of the law, the data base management advisory committee shall be authorized to approve transfers of personnel, positions, and equipment between the data processing units of the department of administrative services, the office of information technology, the department of health and human services, and other user agencies. In addition, the committee shall be authorized to establish positions and to review and revise, when necessary, job specifications and supplemental job descriptions within the data processing units of the department of administrative services, the office of information technology, and the department of health and human services, and other user agencies within the limits of appropriated funds. The advisory committee shall not transfer funds unless such transfer is approved by the fiscal committee.

(c) At the direction of the data base management advisory committee, the commissioner of administrative services shall submit a plan for the transfer, where feasible, of systems development support directly to the end users of those services. The committee, upon approval of said plan, shall set the schedule and oversee the implementation of the system development decentralization process.

(d) At the direction of the data base management advisory committee, the commissioner of health and human services and the commissioner of the administrative services shall each submit detailed support plans which demonstrate their ability to provide computer operations support to other user agencies in a decentralized environment. The committee, upon the approval of said plan, shall set the schedule and oversee the implementation of the computer operations decentralization process.

III. The advisory committee shall submit a comprehensive report including its recommendations and a summary of its activities to the governor, senate president, and speaker of the house on or before December 31, 1992.

11 Report; Date Extended. Amend 1989, 408:91 as amended by 1990, 184:2 to read as follows:

408:91 Report. The study committee shall submit a comprehensive report with its recommendations to the governor, senate president, and speaker of the house on or before its termination date in 1991 [covering detailed operational procedures, hardware and software acquisition criteria, and any proposed legislation necessary to fully implement its recommendations]. Public notice of each meeting which the committee holds in order to perform its duties shall be

placed in the house and senate calendars. Minutes of such meetings shall be available for public inspection by every citizen during regular business hours.

12 Moratorium Date Extended; Committee Approval Required. Amend 1990, 184:5 to read as follows:

184:5 Limitation on Acquisition or Disposal of Computer Equipment by Department of Administrative Services. Other provisions of law notwithstanding, [for the biennium ending] **until** June 30, [1991] **1992**, other than for purposes of maintaining current operational levels, including projects currently approved by 1990, 1 (HB 1500-FN-A) [or] other special act, **or with the prior approval of the data base management advisory committee**, [the division of information services,] **the** department of administrative services, **and the department of health and human services**, shall not acquire by purchase, lease, or other method, and shall not dispose of by any method, any computer hardware or software that will modify or change current operations or applications for data entry, processing of data, or report generation. After the completion of the study authorized by 1989, 408:89 and 408:91, the committee may recommend, for introduction at the next session of the legislature, legislation to implement any or all of the report recommendations.

13 Position Abolished. The unclassified position of director of the division of information services is hereby abolished when the current incumbent resigns or when his commission expires, whichever is earlier.

14 Salary. Amend RSA 94:1-a, I by inserting in group P the following: Director, office of information technology management.

15 Salary. Amend RSA 94:1-a, I by deleting in group P the following: Director, division of information services.

16 Transition. All books, papers, records, equipment, unexpended appropriations, classified personnel, actions, records and other property or obligations of the division of information services are hereby transferred to the financial data management unit.

17 Appropriation; Office of Information Technology Management; Department of Administrative Services; Department of Health and Human Services. The following funds are hereby appropriated for the fiscal year ending June 30, 1992, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

01 General Government

04 Dept Administrative Services

01 Office of the Commissioner

03 Financial Data Management

99 OIT/Data Processing Reorganization *

574,631

Total

574,631

Estimated source of funds for

Financial Data Management

01 Transfers from other agencies 574,631

Total 574,631

* No expenditures will be made from these funds without the prior approval of the data base management advisory committee

05 Health and Social Services

01 Dept of Health and Human Svcs

01 Office of the Commissioner

02 Office of Mgmt & Budget

02 Data Management

29 Transfers to Financial Data Management 574,631

Total 574,631

Estimated Source of funds for

Data Management

00 Federal Funds 574,631

Total 574,631

18 Repeal. The following are repealed:

I. RSA 14:30-a, V, relative to fiscal committee review of requests for proposals for state data processing equipment.

II. RSA 21-I:9, relative to the division of information services.

III. RSA 21-I:10, relative to internal organization.

IV. RSA 21-I:14, IV, relative to the rulemaking authority of the commissioner of administrative services.

V. RSA 21-I:39, relative to municipal data processing contracts.

VI. RSA 21-I:40, relative to payments to the department of administrative services.

VII. 1989, 408:91, as amended by 1990, 184:2, relative to the report of the data processing and computer management study committee.

19 Effective Date.

I. Sections 10-13 of this act shall take effect upon its passage.

II. Section 15 of this act shall take effect December 31, 1991.

III. The remainder of this act shall take effect July 1, 1991.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6

Sen. Delahunty, Dist. 22

Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. K. Ward, Graf. 1

Rep. M. Goulet, Hills. 11

Rep. D. Hall, Merr. 7

Rep. J. Pelley, Straf. 10

AMENDED ANALYSIS

This bill establishes an office of information technology management.

This bill also establishes a data base management advisory committee to oversee the transition to the new data processing management structure.

This bill makes an appropriation to the office of information technology management, department of administrative services and department of health and human services for the purposes of such office.

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 183-FN

The committee of conference to which was referred Senate Bill 183-FN, An Act relative to the Lamprey Regional Solid Waste Cooperative having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

Conferees on the Part of the Senate

Sen. Dupont, Dist. 6

Sen. Shaheen, Dist. 21

Sen. W. King, Dist. 2

Conferees on the Part of the House

Rep. E. Greene, Rock. 18

Rep. Trombly, Merr. 4

Rep. Terninko, Rock. 2

Rep. Hanselman, Hills. 17

Senator Shaheen moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 195-FN

The committee of conference to which was referred Senate Bill 195-FN, An Act relative to campaign expenditure limitations having considered the same, report having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. Amend 1989, 212:1, IV to read as follows:

IV. Unimpeded access to the ballot is crucial to the realization of the constitutional guarantee of a representative form of government. The philosophical basis for democracy is the equal opportunity to participate. Greater participation increases effective representation, preserving the political power guaranteed to the people by the constitution. Expenditure limitations will allow greater ballot access, freer competition of ideas through individual speech and interaction, and more competitive campaigns. Voluntary compliance with expenditure limitations will help provide greater ballot access, which by its nature is necessary to and a part of the election process. **In further recognition of the state's traditional role in regulating ballot access and candidate qualifications, the general court finds that these objectives can be accomplished by the voluntary procedure set forth herein.** The general court finds that these objectives can be accomplished by campaign expenditure limitations.

2 Filing Declaration of Intent with Secretary of State. Amend RSA 655:14-a to read as follows:

655:14-a Filing by Other Candidates. Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall file a declaration of intent with the [appropriate official] **secretary of state** as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

3 Filing Fees for all Candidates. RSA 655:19 is repealed and reenacted to read as follows:

655:19 Filing Fees.

I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees, and shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 and 655:22, unless the candidate agrees to limit his expenditures in accordance with RSA 664:5-a. At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following filing fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c. The filing fees shall be as follows:

(a) For governor, United States senator, and representative to Congress, \$5,000.

(b) For executive councilor, \$500.

(c) For county officer, \$100.

(d) For state senator, \$100.

(e) For state representative, \$25.

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by him in the general fund.

4 Reference to Filing Declaration of Intent. Amend RSA 655:19-b to read as follows:

655:19-b Waiver of Filing Fee and Primary Petitions.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b shall have the filing fee **under RSA 655:19** either waived or refunded, **and shall have the requirement for filing petitions under RSA 655:20 waived**, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he files the declaration of candidacy **or declaration of intent**, the filing fee **required under RSA 655:19 and the petitions required to be filed under RSA 655:20** shall be waived. If such affidavit is filed within [10] 3 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

5 New Section; Administrative Assessment and Primary Petitions. Amend RSA 655 by inserting after section 19-b the following new section:

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the ex-

penditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by him into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

6 Filing Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitation set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions **required under RSA 655:22** made by members of the party, together with one written assent to candidacy. **Primary petitions filed under this section shall be filed in addition to the requirement for filing petitions under RSA 655:19-c.**

7 Filing Number of Petitions. Amend RSA 655:22 to read as follows:

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA 655:20 shall be as follows: for governor and United States senator, 2,000; for representative in Congress, 1,000; for executive councilor, **500**; **for** county officer, **100**; [and] **for** state senator, [500] **100**; for state representative, [20] **10**. Candidates for delegate to the state convention shall not be required to submit any primary petitions. **The provisions of this section**

shall apply to candidates who do not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b. Primary petitions filed under this section shall be in addition to the number of petitions filed under RSA 655:19-c.

8 Application of Excess Campaign Contributions Restrictions to Congressional Elections. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district and village district elections. The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, [and excess campaign contributions, RSA 664:4-c,] shall additionally apply to elections for United States senator and representative to Congress.

9 Expenditure Redefined. Amend RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future **for the purpose of influencing the nomination for election or election of any candidate.** It does not include the candidate's filing fee or his expenses for personal travel and subsistence.

10 New Paragraph; Independent Expenditures Defined. Amend RSA 664:2 by inserting after paragraph X the following new paragraph:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity expressly advocating the election or defeat of a clearly identified candidate which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

11 Reference to Independent Expenditures. Amend RSA 664:3, I is repealed and reenacted to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state before receiving any contribution or making any expenditure, and in no event shall any political committee register with the secretary of state later than the second Wednesday following any primary

election. The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including the full name of each candidate, a statement of the name, address, occupation, and principal place of business of its chairman, treasurer, and other officers, and a declaration signed by its chairman and treasurer that the political committee will not exceed the expenditure limitations allowed under RSA 664:5, V.

12 Reference to Independent Expenditures. Amend RSA 664:3, II to read as follows:

II. No member of a political committee, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, until the statements required by paragraph I are filed. **Only those political committees that have filed a declaration with respect to independent expenditures as provided in paragraph I may make such expenditures.**

13 Prohibited Political Contributions. Amend the introductory paragraph of RSA 664:4 to read as follows:

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party **at any state primary or general election:**

14 Limiting Amount of Political Contribution. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his own candidacy, **or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a,** (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if in any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

15 New Paragraph; Prohibited Political Expenditures. Amend RSA 664:5 by inserting after paragraph IV the following new paragraph:

V. No political committee shall make independent expenditures in excess of \$1,000 for any or against any candidate running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose any candidate.

16 Reference to Declaration of Intent. Amend RSA 664:5-a, III to read as follows:

III. Affidavits in compliance with this section shall be filed within [10] 3 days after the date on which a candidate files his declaration of candidacy **or his declaration of intent**, or is declared a write-in winner of a primary election.

17 New Paragraph; Political Expenditures for Primary and General Elections. Amend RSA 664:5-b by inserting after paragraph V the following new paragraph:

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, total expenditures shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on his behalf by his committee or committees, his party, and his immediate family. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

18 Advisory Committee; Additional Member. Amend RSA 664:5-c, II to read as follows:

II. The committee shall consist of the secretary of state, and [4] 5 other members: one person appointed by the house majority leader; one person appointed by the house minority leader; one person appointed by the senate majority leader; [and] one person appointed by the senate minority leader; **and one person appointed by the governor.**

19 Additional Reports. Amend RSA 664:6, I and II to read as follows:

I. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 **except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate**, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and post office address of the contributor in alphabetical order and the amount of the contribution and the date it was received. [Such report] **The statement** shall be filed not later than the Wednesday [3] 12 weeks immediately preceding [an] **a primary** election, before 5 o'clock in the afternoon, and

shall cover the period beginning on the day of the committee registration [or report, whichever is later,] and ending on the Monday before the [report] **statement** is due. All receipts of \$25 or under shall appear on the [reports] **statements** as unitemized receipts. Any listing exceeding \$100 shall be accompanied by the contributor's occupation and principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid and the date paid, with the specific nature and amount of each expenditure since the date of the registration [or report, whichever is later].

II. [A second] **An** itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday **3 weeks** immediately preceding [an] **a primary and a general** election, before 5 o'clock in the afternoon. [Such report] **The statement** shall summarize the [first] period **under paragraph I if a statement is filed and shall** itemize all receipts and expenditures since the cutoff of [the first] **that** statement up until the Monday preceding the filing of the [second report. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the second report is filed and prior to the day of election] **statement under this paragraph.**

20 New Paragraph; Itemized Statement on Wednesday Preceding Election. Amend RSA 664:6 by inserting after paragraph II the following new paragraph:

II-a. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the statement under this paragraph is filed and prior to the day of election.

21 Itemized Statement as of Day of Election. Amend RSA 664:6, III to read as follows:

III. [A third] **An** itemized statement in the same form as in paragraph I summarizing the [periods of the first and second] **previous statements if such statements are filed** and itemizing all receipts and expenditures since the cutoff of the [second] **previous** report

and ending on the day of the primary or the general election shall be filed with the secretary of state not later than the second [Friday] **Wednesday** after the election, before 5 o'clock in the afternoon.

22 New Paragraph; Itemized Statement for Expenditures Exceeding \$500. Amend RSA 664:6 by inserting after paragraph IV the following new paragraph:

IV-a. Any political committee whose independent expenditures exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totalling \$500 were made. Each statement shall contain the date of the independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

23 Information Required on Statement. Amend RSA 664:7 to read as follows:

664:7 Reporting by **Candidates**. Each candidate at the primary or **general** election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, [I-VI], **II, II-a, III, IV, and V**, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

24 Signature of Treasurer of Political Committee. Amend RSA 664:14, I and II to read as follows:

I. All political advertising shall be signed at the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the [secretary] **treasurer** of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is

responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

II. Political advertising to promote the success or defeat of a measure by a partnership, corporation, labor union, or other organization shall be signed. The name of such organization shall be indicated and the chairman or [secretary] **treasurer** of such organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

25 New Paragraph; Advertising by Political Committee. Amend RSA 664:14 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee not authorized by the candidate or candidate committee shall so state.

26 Investigation of Complaint Concerning Violation of RSA 664. RSA 664:18, I is repealed and reenacted to read as follows:

I. Upon receipt of such complaint, the attorney general or his designee shall review the complaint, and where sufficient evidence of a violation is presented, conduct investigations to determine whether a violation of this chapter has occurred.

27 Power of Attorney General. RSA 664:21, III is repealed and reenacted to read as follows:

III. Nothing in this section shall be construed to limit the enforcement powers of the attorney general under RSA 664:18.

28 New Paragraphs; Additional Penalties. Amend RSA 664:21 by inserting after paragraph III the following new paragraphs:

IV. In addition to the fines levied under paragraph I, any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every day for which the report or statement is late and until the report or statement is actually filed.

V. The provisions of this paragraph shall apply to violations of this chapter other than the violation of RSA 664:5-a and 5-b, and a person liable under the provisions of this paragraph shall not also be subject to the penalties imposed under paragraphs I, II and IV. Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

29 New Section; Severability. Amend RSA 664 by inserting after section 22 the following new section:

664:23 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

30 Repeal. 1989, 212:1, VI, relative to a declaration of purpose and changes in federal law, is repealed.

31 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Bass, Dist. 11

Sen. St. Jean, Dist. 20

Sen. Delahunty, Dist. 22

*Conferees on the Part
of the House*

Rep. Flanagan, Rock. 8

Rep. Holden, Hills. 9

Rep. Simon, Rock. 9

Rep. Gilmore, Straf. 7

AMENDED ANALYSIS

This bill amends the law on campaign expenditure limitations.

The bill makes it apply to candidates who intend to have their names placed on the state general election ballot by means of primary petitions or nominating petitions. The current law only applies to candidates who are nominated in their party primary, and to write-in candidates.

The bill also:

(1) Changes the membership on the advisory committee which monitors campaign financing statutes.

(2) Requires a candidate who does not voluntarily accept expenditure limitations to pay both a filing fee and to file primary petitions.

(3) Establishes minimum filing fee and primary petition requirements, regardless of whether a candidate voluntarily accepts expenditure limitations.

(4) Adds new definitions for "expenditures" and "independent expenditures."

(5) Limits the independent expenditures which a political committee may make to support or oppose candidates.

(6) Adds new penalty provisions for violation of RSA 664.

Senator Bass moved to adopt the Committee of Conference report.

SENATOR COLANTUONO: Senator Bass, two concerns on page 9 of the Conference Committee Report. I was wondering if you were aware of any recent case law or any research that was done to make sure that these are constitutional? The first one, is in section 14 which differentiates now between the amount in which a person may give to a candidate. The present law is \$5 thousand. This change

says that if the candidate is not abiding by the spending limits, the donor can only give \$1,000 to that candidate. So there is a discrepancy there which I think might not pass constitutional muster. Has there been any kind of opinion given on that or any kind of research on any current case law on that?

SENATOR BASS: Senator Colantuono, there hasn't been any case law developed on any of the New Hampshire campaign spending limitation, because it has only been in effect for a couple of years. But let me address that question that you brought up because I think that it is a very good one. If I understand you correctly, what you are saying is, can I guess, the equal protection clause of the constitution in treating various donors differently. If I were a third party donor, what you are saying is that I could only contribute \$1,000 to one candidate, and I could contribute \$5,000 to another candidate. Yet I wasn't able to make that distinction myself. It was made by the candidate himself. I checked up Buckley versus Valeo, and I think the decision which was the 1976 Supreme Court decision which eliminated the contribution limitation on individuals and I think Buckley is very clear about the fact that the litmus test that it sets for a candidates individual ability to express support or opposition for another candidate is one of many associated means in which that individual expresses his support i.e. voting is another example, working in another field is another example. And that it clearly gives the state's authority to regulate and limit contributions of individuals so long as they are justifiable and reasonable. So in answer to your question, I think it is perfectly reasonable for us to do that, because we have determined as a matter of policy that we wish to limit campaign expenditures and we wish to create incentives for candidates to agree to these limitations. One of them is to make it as simple and as easy as possible for a candidate to raise the necessary funds. What the amendment does is set the level so that if you do not agree to limitations, to \$1,000 per election, and by the way that is what the federal limit is now. So that would certainly be reasonable.

SENATOR COLANTUONO: And the same question basically, on paragraph 15 which is a new paragraph relating to independent expenditures. As I understand the current law, there is no limitation on independent expenditures? I may be wrong, but this limits it to \$1,000 to be spent on behalf of any candidate by an independent group. Has that been declared to be constitutional in any case that you are aware of or . . .

SENATOR BASS: That is another very good and interesting question. What section 15 does is, it limits independent political committee expenditures to \$1,000. That is not a limitation on the level of

contribution that an independent committee could make directly to a candidate or any entity. It is the limitation on the amount of money that an independent committee can spend on behalf of a candidate that is not authorized by the candidate and that is clearly, it could be a challenge to Buckley versus Valeo. It has been added to the bill as a result of some research that I did in the U. S. Senate in which the U.S Senate Council for both parties have determined that they feel that there is a difference between an individual's right of freedom of expression to contribute to his or her own campaign and an association of individuals right to do the same thing. I believe that the U.S. feds are moving in the same direction.

SENATOR COLANTUONO: In looking at at least the head notes to the Buckley versus Valeo case just today after noticing this language here, I think there are some serious questions about the constitutionality of both those provisions. One of the things that Buckley versus Valeo established is, that limitations on the amount that an individual may contribute in which case in the federal law it is \$1,000, as Senator Bass stated is our constitutional. But in deciding that, they said the reason it's constitutional is that all candidates are treated equally with regard to the contribution limitation. So this would be a direct violation of that requirement or that condition; furthermore, Buckley versus Valeo in examining a similar provision of \$1,000 limitation by independent expenditures, under the federal election campaign act of 1971 struck it down as being unconstitutional. I think that is the very same question that we are talking about in paragraph 15. So I believe that we have at least one clear violation of the Buckley standard, and one possible or even a probable violation. Those are two of the biggest changes made in this bill. I would hate to see us pass a bill which could have the effect of infringing first amendment guarantees of freedom of speech which are among the most precious that we have in this country without at least seeking an opinion from the Justices. At the very least, I would urge perhaps nonconcurrence, until we can get some of these questions answered and maybe put the bill on the table.

SENATOR HUMPHREY: Senator Colantuono, the question addresses paragraph 15V. Are you saying that, will you tell us again, the case which is apparently identical to what is being proposed here, which was found unconstitutional in Buckley? Can you explain that a little more?

SENATOR COLANTUONO: Yes. I will read from the head notes, I don't have the whole case here. Page 667 noted 21A and 21B say "that the provisions of the federal election campaign act of 1971 limiting to \$1,000 per year independent expenditures by an individual

or group advocating an election or the defeat of a candidate are unconstitutional, as impermissibly burdening the right of free expression under the first amendment”.

SENATOR HUMPHREY: Senator Bass, how does Senator Bass respond to that head note?

SENATOR BASS: I responded two ways. The first slightly flipped. As the Senator well knows, the Supreme Court of the United States is constantly subject to being challenged from previous rulings. One comes to mind, the Roe vs Wade decision is under similar challenge and fortunately, we have the ability to review these decisions from time to time to determine their constitutionality. The second part of my response, which is perhaps more serious, is that since Buckley vs Valeo in 1976, the influence and the sophistication of independent political expenditures has changed substantially and dramatically. It is my feeling and the feeling of others who researched this issue that the courts might, if this were challenged, that the courts might be in a position as I said earlier, to differentiate between an individual's first amendment right to contribute to that particular individual persons election and the right of an association or a group of individuals to contribute to a common cause. The only difference between the two is that the common cause has more leverage than does the particular individual.

SENATOR HUMPHREY: Then is the Senator telling us that this may well become a contested issue?

SENATOR BASS: No. I would respond by saying that the possibility exists that this particular paragraph might, and I welcome it. If the time has come, Senator Humphrey, for us to do something about limiting the influence of unauthorized independent expenditures that are made either to support or oppose candidates that nobody can control. There is no limit now. The sky is the limit. This is what creates, this is part of the reason why campaign expenditures and the cost of campaigns has skyrocketed because candidates always have to be on guard for the big independent expenditure which is usually an expenditure that is a negative. This is where negative ads come from. This is the expenditure by the independent committee that is used to blast the other candidate so that the other candidate can't, isn't going to get criticized himself. So, I agree with you. There is some possibly, Senator Humphrey, that this would constitute raised questions with respect to the interpretation of Buckley versus Valeo and that was my intent and I am pleased that it is there.

Senator St. Jean has moved the question.

SENATOR HUMPHREY: Mr. President, are we not dealing here with matters of the first amendment and perhaps the fourteenth amendment? Must we be so hasty about calling the question? Other Senators may be interested.

PRESIDENT DUPONT: Senator Humphrey, the Chair can only respond to the request that has been put to it. You are out of order on that. I will call the question as soon as we have had the opportunity to address the speakers that have been recognized, and you still have the floor, Senator, but I would ask that you direct your comments in a parliamentary manner or to specific Senators, rather than the Chair in an editorial manner.

SENATOR HUMPHREY: Mr. President, we are here dealing with the most sensitive issue in a free society. The right to speak freely, especially in the context of an election campaign and the right to association in the same context or other contexts. Those are very important matters. I would not very much like to have an independent expenditure made against me. But that isn't the overriding issue here. The overriding issue is freedom of speech and freedom of association. Senator Bass has pretty well admitted that this provision, I hope that I am not putting words in his mouth, he is free to correct me. But this provision conflicts with the findings of *Buckley vs Valeo* which was a landmark finding in the area of the first amendment and the political context. I think furthermore, that it violates the state constitution. In fact, I think both of these provisions violate the state constitution, and the most important part, namely the second article, the Bill of Rights. I am told that frequently the Senate measures legislation in light of the second article. I am talking about the state constitution, second article. In these little explanatory notes of court findings, following the second article, "the principles of equal protection are intended to insure that persons similarly situated are similarly treated by government". So if Senator Podles and I separately desired to contribute to a political action committee, I desire to contribute to a political action committee that wants to make independent expenditures and Senator Podles desires to make contributions to a political action committee that will contribute to a candidate. I am restricted to \$1,000 contribution, Senator Podles, I am not phrasing this correctly, let me start over. A political action committee that wants to make expenditures on behalf of a candidate is not restricted by this provision, but a political action committee that wants to make an independent expenditure, is restricted to \$1,000. That provides for dissimilar treatment of persons similarly situated. So I think the same provision of our constitution should warn us against this first provision as well. Mr. President, I wonder if I might ask a question of Senator Bass

about the scope of this bill? Senator Bass, what I am getting at is this: I mean it's not as though we are about to campaign spending legislation. We already have that on the books. So what I want to ask Senator Bass is what is the essential difference between what is now before us and what is on the books? Is it just these two provisions essentially and the rest are sort of technical corrections. I mean are these the two important changes?

SENATOR BASS: The rest are technical corrections. I would say that there is a paragraph that requires independent committees to make an additional report right after the filing period. I would say that is more subsisted. But there is a severability paragraph that is added, but I would say that these are the two major changes.

SENATOR HUMPHREY: These are the two major changes to exist in statute. Mr. President, I want to be reported . . .

SENATOR BASS: There is another paragraph, oh excuse me, Mr. President, that was in the original bill about the administrative filing fees, we already voted on that. So those are the two major changes.

SENATOR HUMPHREY: Well I want to be recorded as in opposition to this bill, Mr. President, because we have an excellent campaign spending statute and to make these two new changes, which I believe and Senator Colantuono believes are unconstitutional seems unwise to this Senator.

SENATOR SHAHEEN: Senator Humphrey, as I understand, the point that you were making is that it is not fair for us to set-up separate rules for political action committees and independent expenditure campaigns, is that correct?

SENATOR HUMPHREY: I am saying that I think it is unconstitutional by the state constitution to treat this similarly, parties that are similarly situated.

SENATOR SHAHEEN: But isn't it true that independent expenditure campaigns and political action committees already are treated differently under the law. That independent expenditure campaigns are governed by separate rules than political action committees. So I guess I think your point is not valid.

SENATOR HUMPHREY: In what respect are they treated differently?

SENATOR SHAHEEN: Well independent expenditure campaigns are not allowed to deal directly with a candidate if they are related to a political action committee as opposed to political action committees . . .

SENATOR HUMPHREY: That simply is a definition of independence.

SENATOR SHAHEEN: But it has to do, under federal law, with what they are legally allowed to do. So I am not sure that I, since they are already treated differently, I am not sure that I understand why this is so much different.

SENATOR HUMPHREY: When you get to expenditure limits, you get to the real, when you get to the matter of expenditures you get to the real, you have a real political action committee. You are really getting to the heart of it there. This is not a technicality, this is the heart of it and to similarly treat similarly situated parties is a violation of our state constitution, but worse than that, is apparently, conflicts with Buckley versus Valeo and Senator Bass as much as admits it and hopes that it becomes a test case.

SENATOR SHAHEEN: Wouldn't you agree now, Senator Humphrey, that there have been a lot of abuses as the result of campaign spending and that it's in the interest of the elected to try and limit those expenditures in some way?

SENATOR HUMPHREY: Frankly, the answer is yes and no. I think there have been a lot of abuses, but I don't think that the cure is limits and micro management of the electoral process. Where abusive, especially abusive spending occur, they become a campaign issue and if they matter enough to the people I think, the people in their own judgment will deal with it. But to continually pile on statute and regulations and amendments one after the other, constantly whittle away at our most precious freedoms is I think, a big mistake. This is yet another example.

Senator St. Jean moved the question.

Adopted.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Roberge.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Disnard, Blaisdell, Bass, Pressly, Nelson, McLane, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Roberge, Colantuono, Poldes, Humphrey.

Yeas: 17

Nays: 5

Committee of Conference Report is Adopted.

Senator Humphrey in opposition to SB 195.

Senator Currier not voting, excused.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 208-FN, an act relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

COMMITTEE OF CONFERENCE REPORT ON SB 208-FN

The committee of conference to which was referred Senate Bill 208-FN, An Act relative to the administration of the tax on legacies and successions and other tax laws relating to decedents having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15

Sen. Russman, Dist. 19

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. D. Sytek, Rock. 20

Rep. E. Chandler, Merr. 1

Rep. H. Saunders, Carr. 5

Rep. A. Gureckis, Hills. 30

Senator McLane moved adoption of the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 328-A

1 The committee of conference to which was referred House Bill 328-A, An Act relative to a new Manchester district court facility and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Administrative Services. The sum of \$250,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1992, for the site location, design, architectural plans and rehabilitation and renovation of a new Manchester district court facility. In planning this facility, the department of administrative services shall consider issues including cost, accessibility, and needs for space now and in the future for such purposes as storage of records, building security, separation of adult and juvenile detainees, and private conference rooms. The department of administrative services shall adopt plans for the facility after consultation with the current Manchester district court justices and the capital budget overview committee.

Amend the bill by replacing section 5 with the following:

5 Department of Transportation Approval Required. Notwithstanding any other provision of law, any contracts or purchases by the department of administrative services for professional architectural or engineering services or for plans, designs and construction documents for a lease or lease-purchase of any district court facility shall require the approval of the department of transportation.

6 Effective Date. This act shall take effect July 1, 1991.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. Podles, Dist. 16

Sen. St. Jean, Dist. 20

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1

Rep. Alukonis, Hills. 19

Rep. LaMott, Graf. 5

Rep. O'Rourke, Hills. 35

Senator J. King moved adoption of the Committee of Conference report.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to SB 126-FN

Amend RSA 485-C:8, III(c)(2) as inserted by section 1 of the bill by replacing line 2 with the following:

with all applicable chapters of RSA title XL and

Amend RSA 485-C:11, I as inserted by section 1 of the bill by replacing line 5 with the following:

developed, administered and enforced by the New

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to SB 191-FN

Amend section 8 of the bill by replacing lines 2 and 3 with the following:

after subparagraph (o) the following new subparagraph:

(p) Criteria for waiver of the default fee required under

Senator Humphrey moved adoption.

Adopted.

**THE HOUSE HAS ADOPTED COMMITTEE
OF CONFERENCE REPORTS**

HB 62-FN, relative to retirement allowances under the New Hampshire retirement system.

HB 104-FN, relative to a public water rights report and advisory committee.

HB 131-FN, relative to liability for acts which create situations requiring unnecessary emergency responses.

HB 142-FN, relative to school district budgets.

HB 143-FN, relative to the liquor commission's authority to close liquor stores.

HB 161-FN, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system.

HB 171-FN, relative to maintaining the "Old Man of the Mountain".

HB 203-FN, relative to the confidentiality of quality assurance records of community mental health centers.

HB 210-FN, creating a committee to study artificial impoundments.

HB 250-FN, relative to the board of nursing.

HB 274-FN, relative to sentencing to county correctional facilities.

HB 286-FN, relative to the operation of powerboats on Long Pond in the town of Northwood.

HB 323-A, relative to the Cheshire Bridge and making an appropriation therefor.

HB 325-FN, relative to reciprocity of dog training.

HB 328-A, relative to a new Manchester district court facility and making an appropriation therefor.

HB 330-FN, establishing a committee to study the issue of an office of the ombudsman for children.

HB 334-FN, relative to the establishment of agency liquor stores.

HB 341-FN, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula.

HB 352-FN, relative to the oil discharge and disposal cleanup fund.

HB 363-FN, relative to criminal record checks and fees charged for criminal record checks.

HB 416-FN-A, relative to drug-free school zones and making appropriations therefor.

HB 451-FN, relative to the licensing of residential care and health facilities.

HB 461-FN, relative to notice for out of district placement by the court.

HB 462, relative to special education hearing officers.

HB 486-FN, relative to collection of forfeitures of recognizances by the division of motor vehicles.

HB 488-FN, relative to the flexible spending programs.

HB 502-FN-A, relative to child care resource and referral systems and making an appropriation therefor.

HB 515-FN, giving legislative approval to the division of waste resources, department of environmental services to accept certain dams if repair costs are paid by the current owners.

HB 523-FN, relative to local cease and desist orders for zoning, planning and code violations.

HB 532, relative to the color of ballots used in municipal elections and relative to the time for holding town and district business meetings and elections.

HB 560-FN, relative to bacteriological standards and reclassifying certain waters.

HB 563-FN, relative to the creation of trust funds and relative to unanticipated school funds.

HB 572, relative to exclusions in automobile insurance.

HB 576-FN, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

HB 577, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board.

HB 581, relative to personal property of tenants.

HB 595-FN, relative to citations for building code and land use violations.

HB 603-FN, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.

HB 607, permitting actions for damages resulting from violation of workers' compensation laws by bidders on construction contracts.

HB 611-FN, relative to plastic holding devices used in packaging.

HB 613-FN, relative to the procedures of the certificate of need board.

HB 619-FN, relative to central business districts.

HB 627-FN, relative to the treatment of repeat DWI offenders.

HB 648-FN, relative to the industrial development authority and the housing finance authority.

HB 688, relative to the Mount Washington Regional and the Berlin Municipal Airports.

HB 709-FN, establishing a study committee to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters.

HB 713-FN, relative to the general counsel of the public utilities commission.

HB 745-FN, relative to sewage disposal systems.

HB 751-FN, concerning the procedure for local enforcement of certain state environmental laws.

HB 761-FN, relative to leasing certain state land.

HB 771-FN, relative to sentencing and parole.

HB 780-FN, relative to water treatment plant operators and fees for water system permits.

HB 784-FN, creating a long-range construction program for New Hampshire's highways and highway bridges.

Recess.

Out of recess.

SUSPENSION OF THE RULES

INTRODUCTION OF HOUSE BILLS

Senator Oleson moved that in accordance with the list in the possession of the Clerk, House Bill numbered 41 shall be by this resolution

read a first and second time by the therein listed title, laid on the table for printing and referred to the therein designated committee.

First and Second Reading and Referral

HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles. Wildlife and Recreation committee.

SENATOR HEATH (Rule #44): Mr. President, and members of the Senate. I don't want to hold a hearing on this. I know what the testimony will be. We have had many, many hearings on this. There are people dying and you may think it is funny, but it's not. There are people dying in my district every year because of the number of moose that are crossing highways. You don't see them like you do deer. There is no white on them like there is a deer. My wife and I had a close encounter, Senator McLane was attacked by a moose a couple of years ago, I paid him \$100 and he didn't even get her. In a serious, serious vein, all this does is allows them to fulfill their quota and I think it might be move the quota up, but we have moose and it's a huge nuisance. We had over 100 car-moose accidents last year. We had several deaths. We have had 2 - 3 deaths this year. It's carnage out there and the moose will benefit by being in smaller numbers because of the proliferation of the brain worm which is why we didn't have those 20 years ago. The brain worm was endemic and when the numbers get up there, you have a big collapse in the moose population. The biology is good. As I understand the department is not only supporting this, they are urging this. Lester Perham talked to me about this shortly before his untimely death. It would do no good to quickly go in and have a hearing and get the pro-moose and the anti-moose people. This isn't a hunting bill, this is a bill to bring the numbers down to a safe balance level and that is what we ask our fish and game department to do, manage wildlife. This issue has had hearings in the past and we are not talking numbers, the philosophy of whether moose should be hunted has been decided and that is all the hearing would amount to. And I don't like violation of process very much, but I don't think that this is necessary to go through a sort of a mock show and let everyone come in and do their number on both sides of the question that it really doesn't circulate around. It is a safety issue. We suspended the Rules in this body to do triple glazed windows without a hearing, I guess we ought to be able to do this, so that a few less people . . . I mean there may be people that are being killed in my district, but they may be people from your district. And I would urge the Senate to put this through. With the wisdom of the Governor, if he wants to veto it, then you have your shot there.

SENATOR PRESSLY (Rule #44): I think that I would like to speak to the bill, because I think that it is important. I feel very strongly about the public hearing concept and I respect the Senators sentiments on that and I have in the past supported this type of legislation, and I usually agree. I do feel that we have a department whose job it is to do this and if we want to have a balance between the hunters rights and the rights of the people who feel that various species should be protected, I do agree that we should support the decisions of our departments whom we pay adequately and who are trained appropriately and etc, but I do have a problem with your bypassing and in the committee there are certainly emergencies that we do have the time and the President has indicated that this vote is connected to having a public hearing. I am voting for allowing this to happen with that understanding. I know it's a nuisance and I know that it is something that maybe you don't think is necessary, but I really think that it is important and we do have the time to do it. So I am voting for this, clearly with the understanding that the President has indicated, that there will also be a public hearing.

SENATOR NELSON (Rule #44): I want to agree with Senator Pressly.

SENATOR DISNARD (Rule #44): I understand what Senator Heath is saying. But I am one of those who is adamant about a certain Division being canceled or moved without a public hearing. And since I was so adamant on that, I don't see how I could vote not to have a public hearing. I think that we have to go through the process.

SENATOR HEATH: Senator Disnard, your consistency is inconsistent. You sat here this session and voted to suspend public hearings.

SENATOR DISNARD: I don't recall that, Senator, could you refresh my memory? I don't doubt you, I just don't recall at this moment.

SENATOR HEATH: We have done it on a number of occasions and I suspect that one of those you would have been susceptible to. I am taking a pretty good guess at it, but I stand to be corrected if my research is wrong.

SENATOR DISNARD: I don't believe it, Senator, I don't believe it. Senator Hollingworth has moved the question.

Adopted.

Division vote requested on Suspension of the Rules.

Division request was withdrawn.

Suspension of the Rules is Adopted.

SUSPENSION OF THE RULES

Senator Heath moved that the Rules of the Senate be suspended to dispense with the holding of a hearing, the notice of a committee report in the calendar, and that the bill be put on Second Reading at the present time.

HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles. Wildlife and Recreation committee.

A 2/3 vote required.

Senator Heath has withdrawn his motion of Suspension of the Rules for a public hearing.

SENATOR HEATH (Rule #44): As former Chairman of the Journal committee, the only Chairman of the Journal committee to my knowledge who in the history of the Journal committee had a bill referred to him, I have to tell you that the topics of bills referred to that had to do with bees and not moose. That is why you haven't any bills referred to yet, Senator Bass, we haven't had any bee bills.

SENATOR HOLLINGWORTH (Rule #44): You commented earlier that we would not be meeting until Monday, because the House has said that they want to, I mean Tuesday, but you did not believe that even the conferees would be meeting before Monday. My problem is this: is it true that either yesterday, since I lose track of the days or whenever the Governor and Council met, that there are a number of items put on hold, contracts for providers and the reason given for those contracts being put on hold was because the Governor said he was putting a flame to the feet of the House and Senate to come to an agreement on the budget. Since it's not the fault of this Senate body, we are ready to move at any time. I would like to make sure that as in the past, quite often this body has been blamed because the process hasn't moved swiftly enough for some and I would like to make it clear that is it not true that this body is willing and ready to move at any time on this budget process and if the Governor should perhaps, the group that he believes he works so closely with, be able to motivate that group to move them forward and let us get on with our business? Is that not true and is this an appropriate question?

PRESIDENT DUPONT: Senator, I believe that the events of today have considerably changed the ability of the Governor to sit down with the House and come up with a final budget. I am as discouraged as you are with the lack of process and the lack of progress in

this whole process. There is nothing more that I want than to resolve this Committee of Conference on the budget so that we can all finish this session and go home. As I indicated earlier, if the House would like us to be here at 8 o'clock on Saturday morning, I think the Senate Conferees will come in. We have tried to work in good faith and earnestly with them. I think that we have to recognize that there are some problems in the House at the present time with the direction that the House wants to go. It makes no sense to bring the Senate members in until we are at a point where we can start negotiating by line item, by line item in the budget. We have not been able to do that up till the present time. The House's position has been that after they have had their votes today, they would sit down with us and meet with us on the Conference Committee. Clearly, the actions of the House today, indicate that they are at a point where they don't have a House position. I believe that they want time to work on that. So until such time, because it is a House bill and the House calls the Committee of Conference, we cannot meet or call the Conference back in. So we are standing here, waiting. I have indicated to them that it would be the intent of the Senate, at some point in time if we can't get back to the table, that we potentially may want to refine our position and go home. Basically adopt the bill, the budget and send it over to them and leave them with the opportunity to deal with it. That is irresponsible, obviously. But at some point in time as I have said for the last two weeks, this process has to end, the uncertainty has to end and we all need to go about our business. So it's my hope that we will get to that point, even though I would like to be doing it tomorrow rather than Monday.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 211, relative to administrative fees of the air resources division and continually appropriating such fees.

HB 353, to tax smokeless tobacco and making an appropriation therefor, and relative to prohibiting the use and possession of tobacco products by persons under 18 years of age.

SB 38, exempting dividends earned by investors in certain mutual funds from the interest and dividend tax.

SB 72, establishing and continually appropriating a fund for the purchase of vaccines.

Senator Humphrey moved adoption.

Adopted.

ANNOUNCEMENTS**RESOLUTION**

Senator Delahunty moved that the rules of the Senate, be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

RESOLUTION

Senator Delahunty moved that the day being completed, the Senate recess to the call of the Chair, except for House Messages and Enrolled Bills reports.

Adopted.

Senator Fraser moved that we recess to the Call of the Chair.

Adopted.

Third Reading and Final Passage

SB 151, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks.

Senator Fraser moved that we recess to the call of the Chair.

Adopted.

Recess.

Out of Recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 771, relative to revocation of parole and reparole.

SB 22, relative to changes in requirements for psychologists.

SB 181, relative to the number of winner take all bingo games allowed on one game date and establishing a committee to study certain gambling events.

SB 182, relative to the division of information services.

SB 191, relative to fines and to loss of driver's license and plates for court defaults and increasing drivers' license fees.

SB 208, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bills:

HB 248, relative to developments having regional impact.

HB 324, relative to highway projects and bond issuance and making an appropriation therefor.

HB 327, relative to the disposal of state-owned real estate.

HB 443, relative to shoreland protection and making an appropriation therefor and relative to pesticide applications.

HB 579, relative to municipal charters.

HB 608, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands.

HB 652, relative to the duties of the board of tax and land appeals and the department of revenue administration.

HB 691, relative to licensing and certification of real estate appraisers and licensing private detectives.

HB 700, relative to highway planning corridors.

HB 742, relative to excavation.

HB 751, concerning the procedure for local enforcement of certain state environmental laws.

HB 768, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 622, relative to a debt management plan.

HB 674, designating segments of the Pemigewasset, Contoocook and north branch of the Contoocook Rivers as protected rivers.

SB 126, relative to groundwater classification.

HB 62, relative to retirement allowances under the New Hampshire retirement system.

HB 131, relative to liability for acts which create situations requiring unnecessary emergency responses.

HB 143, relative to the liquor commission's authority to close liquor stores.

HB 203, relative to the confidentiality of quality assurance records of community mental health service.

HB 274, relative to sentencing and transfers to country correctional facilities.

HB 323, relative to the Cheshire Bridge and making an appropriation therefor.

HB 330, establishing a committee to study the issue of an office of the ombudsman for children.

HB 334, relative to the establishment of agency liquor stores.

HB 341, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula.

HB 363, relative to criminal record checks and fees charged for criminal record checks.

HB 461, relative to notice for out-of-district placement by the court.

HB 462, relative to special education hearing officers.

HB 488, relative to the flexible spending programs.

HB 502, relative to child care resource and referral systems and making an appropriation therefor.

HB 523, relative to local cease and desist orders for zoning, planning and code violations.

HB 563, relative to the creation of trust funds and relative to unanticipated school funds.

HB 572, relative to exclusions in automobile insurance.

HB 577, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board and relative to the Pease development authority.

HB 611, relative to plastic holding devices used in packaging.

HB 613, relative to the procedures of the certificate of need board.

HB 627, relative to the treatment of repeat DWI offenders.

HB 648, establishing the New Hampshire economic development commission.

HB 688, relative to the Mount Washington Regional and the Berlin Municipal Airports.

HB 713, relative to the general counsel of the public utilities commission.

HB 751, concerning the procedure for local enforcement of certain state environmental laws.

HB 761, relative to leasing certain state land.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Thursday, June 20, 1991, at 10:00 a.m.

Adopted.

LATE SESSION

Senator Delahunty moved to adjourn.

Adopted.

Adjournment.

June 20, 1991

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray. Lord, there seems to be a tug of war over the budget which is still going on. I read in yesterday morning's paper that things seem to be heading in the right direction. In the afternoon papers, that the Senate was going to pass their own budget and send it on to the House (what gives). Remember unless there is a compromise, there will be no budget. Hey, let's get together and have a meeting of the minds! Have a heart, okay. Amen.

Senator Delahunty led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT DUPONT: Aside from what has been said in the paper, I would like to just say that as you all probably recognize, the Conference Committee's progress on the budget has not been what I would call outstanding up till this point in time. The Senate Conferees have spent a lot of time at the table. There are still some significant areas of disagreement. Having worked two full days this week, including the last day until 4 o'clock in the morning, we finally

did go home with some significant hurdles that still face us. I would like to start our session off this morning with a Resolution that we will send over to the House. We will have it distributed and I believe not contrary to what I have been saying. There are some that have mentioned the fact that I said that we would pass a budget today and go home. For those who have watched the Conference process in the past recognize that sometimes remarks are made to try and move the process along and certainly we have done a lot of those in the last couple of weeks. So with that, I would like Senator Delahanty to offer SR 10.

RESOLUTION

SR 10

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety-one

A RESOLUTION

relative to the operating budget.

Whereas, efforts to bring about a budget for fiscal years 1992 and 1993 are currently stalled; and

Whereas, during the first 5 months of the 1991 session, the Senate Finance Committee working cooperatively with other republicans and democrats in the senate, and taking into account the present economic and fiscal situation which faces New Hampshire, worked long and hard to craft a spending plan that met the needs of the state and reduced spending levels where appropriate; and

Whereas, at the request of the governor the senate increased the appropriations in a number of areas to reflect increased case loads and included items desired by the house appropriations committee after it had acted on the bill; and

Whereas, after overwhelmingly adopting this budget as a measure which responsibly served our citizens the senate conferees continued to examine state operations for cost savings and have included in a companion bill a management review team which will continue to look for areas within state government where savings can be accrued; and

Whereas, the ability of the state to attract \$117,000,000 in federal medicaid dollars has mitigated the senate's position of having to borrow to pay for operating costs or the house position of granting a line item veto to the governor; and

Whereas, the senate stands firmly behind its economic incentives and other measures to stimulate economic growth; and

Whereas, the senate commends their conferees for their continued efforts to achieve cost savings and their effective representation of the senate position; now, therefore, be it

Resolved by the Senate:

That the senate of New Hampshire does by this resolution reaffirm the basic principles of the senate's budget and endorses those changes proposed by the senate conferees,

That the senate urges the house and senate conferees to return to negotiations at the earliest possible time for the purpose of debating the merits of each position so that the work of this budget can be completed; and

That the senate clerk will request that the clerk of the house read this resolution to the membership of that body and that a copy of this resolution be forwarded to the speaker of the house and the house conferees on the state budget.

SR 10, relative to the operating budget.

SENATOR DELAHUNTY: I think that the Resolution speaks for itself. I think that you all have had an opportunity to read it and the intended purpose of this Resolution is to express the continued willingness of, we hope with the backing of the Senate body to the Senate Conferees to continue to work in earnest the way that they have all session long to bring the Conferees back to the table to try and negotiate the budget in good faith. There has been an awful lot of effort put into it. There has been an awful lot of insinuation on all sides of the budget issue and what we are trying to do is to reaffirm the sincerity of the Senate to continue to negotiate and to pass a budget that will serve our constituents in a proper manner. I would urge your full support of the Resolution.

SENATOR DISNARD: I strongly support Senate Resolution 10 as passed out and expressed by Senator Delahunty, the Majority Leader.

Recess.

Out of recess.

SENATOR HUMPHREY: I suppose, Mr. President, that the idea of this Resolution is to show unanimity on the part of the Senate in hopes of encouraging the House Conferees to move towards our position. Is that in fact the purpose?

PRESIDENT DUPONT: Senator, the purpose of this Resolution is to try and bring the bodies back to the table and to also have the House recognize that the Senate does have a position.

SENATOR HUMPHREY: I certainly want to join with my colleagues in commending and expressing thanks to the members of

the Finance committee, particularly the Conferees. There tour of duty has certainly been arguable, but I am one member who is more in agreement with the House position and in particular with the Governor's position than I am with the position presently of the Senate. So I am going to vote against this and wanted to explain why. Further implicit in this is an endorsement of this medicaid scheme which is very convenient, no doubt and timely, but one which I think troubles many of us. I understand the rationale that the feds have dumped a lot of expenses on this state and I find that regrettable. I wish we could do something effective about that. I also understand the sentiment in regard to New Hampshire not taking advantage of the situation when so many of the other states are. But just because half of the other states are rioting in the streets and bashing in the store fronts and helping themselves to the merchandise does not, I think, give us justification for doing the same thing. So for these reasons, Mr. President, I want to be recorded in opposition and indeed to encourage a number of Senators who may or may not speak, but who have, I think, the same feelings that in fact the House budget and indeed the Governor's budget are better than the one that the Senate has fashioned.

SENATOR MCLANE: Senator Humphrey, I have heard this again and again and I having stayed up till 4:30 that morning, maybe my calm and equanimous nature is not quite with me this morning. I would like to ask you a series of questions to which I would like a yes or no answer. One, do you think that the University should have \$4,000,000 taken out of its budget?

SENATOR HUMPHREY: Yes.

SENATOR MCLANE: Two, do you think that the poison center phone line should be discontinued?

SENATOR HUMPHREY: I don't know.

SENATOR MCLANE: Three, do you think that emergency medical services such as the money that went for the Anesse boy who needed a bone marrow transplant should be provided by the state of New Hampshire?

SENATOR HUMPHREY: The answer is I don't know, but to respond further, I believe that we can cut more. I think that we have cut rather little.

SENATOR MCLANE: I am asking you a very specific question and the reason is that I am tired of overall answers and I want to get specific.

SENATOR HUMPHREY: How much does that account for?

SENATOR MCLANE: It is \$600,000 and we now owe so much money to the Children's Hospital in Boston that they will not take any more New Hampshire children until we have paid the bill that we owed.

SENATOR HUMPHREY: Well, the Senator's assumption is that these are the only lines that can be cut. There are still in this last week opportunities for us to make substantial cuts in personnel.

SENATOR MCLANE: I am asking you, I am reading from a very specific sheet which contains all the differences between the House and the Senate budget. You have made a statement that you are voting for the House budget and the Governor's budget. I am reading to you things that were left out of those budgets that . . .

SENATOR HUMPHREY: Well, let me give you an overall answer. The overall answer is yes. I think the imperative is to cut spending. That means hard choices. I don't think that we are limited to those choices alone. I think that there are many other choices and I am for more cutting.

PRESIDENT DUPONT: I would just like to add that the Senate and the House at this point in time are \$24,000,000 apart out of a \$1.4 billion budget. That has included reductions in the Senate position as well as some increases in the House position. So when we talk about adopting a Governor's position or a House position, or a Senate position at this point in time, there has been no affirmation by the Conference Committee of any of the three positions. It is clearly expected that when the Conference Committee goes back into session again, that there will be changes in all three positions. But I think that this body in a fairly significant vote passed a budget that had some basic tenets in it that are mentioned in this and clearly both the Governor, the House, have accepted the use of the medicaid money at this point in time. I believe that the Senate Conferees are in agreement on that.

SENATOR PODLES: I would like to also commend the Conferees who have been working on the budget; however, I see a Resolution before me and there is one provision here that I will not support, and I will not support this Resolution that the Senate of New Hampshire does by this Resolution reaffirm the basic principles of the Senate's budget and endorses those changes proposed by the Senate Conferees. I am not sure that I support the budget that is coming out of the Senate. My people are telling me that the Senate budget must be cut. There is a difference, you have just indicated, Mr. President, of \$24,000,000. I say we need some cuts. There is a serious unemployment crisis out there. People don't have the money. Somehow we

are going to have to pay for all of these increases. There is still room for improvement in the Senate budget and I would request that the Conferees go back and see if they can do better.

PRESIDENT DUPONT: I would just respond if I may, that the primary changes to this point in time, Senator, that have been agreed by the Conferees, is how to reduce the Senate position in specific areas. So if your interest is in cuts, the changes that have been made to the Senate position have all been in a downward mode at this point in time.

SENATOR BLAISDELL: Senator Podles, having served on Finance as many years as you did, out of the \$24,000,000 that we are talking about, but do you know that \$5,000,000 of that is just in debt service alone that we are discussing?

SENATOR PODLES: I didn't know that, Senator.

SENATOR BLAISDELL: Alright. Do you . . .

SENATOR PODLES: I am not privy to that kind of information. I don't serve on the Conference Committee.

SENATOR BLAISDELL: Do you know that part of the Meals on Wheels that you talked about that you wanted? Wait, Senator, I think that, Senator, that this has to come out, because you are telling me as Conferee to go over there and cut. You say there are more cuts and I want you probably to tell me where these cuts are. Now my question to you is, you certainly don't want to touch Meals on Wheels do you? And I think Senator McLane asked another question of whether or not you wanted to . . .

SENATOR PODLES: That is a priority, Senator. The Meals on Wheels is a priority.

SENATOR BLAISDELL: Okay, is cancer screening a priority to you, Senator Podles?

SENATOR PODLES: Of course it is, but you are coming up with all these social services that are very necessary. There is still . . .

SENATOR BLAISDELL: How about prenatal care, is that a priority to you, Senator Podles? I think if you stand on the floor of the Senate . . .

SENATOR PODLES: I am not going to debate it, but if you want to know, Senator . . .

SENATOR BLAISDELL: Yes, that is what I want to know, Senator.

SENATOR PODLES: What I would suggest is cutting the budget 5 percent across the board for everybody. Which is fair. All departments and let them worry about it. That is my suggestion. We have a

lot of assistant deputies. We have assistant directors. That has to be taken care of and all department heads will make some kind of cuts. I am listening to my people. My people are concerned about this budget.

SENATOR BLAISDELL: Senator Podles, do you know that part of the Senate cuts is \$8,000,000 in unfilled positions in the state of New Hampshire. Did you know that that is in there with a \$1,000,000 pool to take care of them so that they come to fiscal to maybe run the state of New Hampshire and the departments in the state of New Hampshire? Do you know that's a part of our budget?

SENATOR PODLES: I looked over the budget, Senator Blaisdell and there are many positions that have been added.

SENATOR BLAISDELL: No positions have been added, Senator Podles. You ought to look at that budget. We have not said that in the Committee of Conference. We are not adding.

SENATOR MCLANE: Senator Podles, I wonder in talking to your constituency if you have talked to your Director of Welfare as I have and heard about the number of people that are coming each day to that welfare office because they cannot live on the AFDC payments that we haven't raised and are now 120 percent lower than the cost of living?

SENATOR PODLES: I have not talked to my Director, but I have listened to my people even last night. I have talked to some of the people who run the Children's centers, daycare centers and they tell me that they have to wait 12 weeks to be paid. There is a lot of paperwork. These are the things that I have to listen to from my people. So there is something wrong in the department when you have to wait for 12 weeks to get paid for the work that they do.

SENATOR MCLANE: I think that this is terribly important. I think that we are picking on you a bit, because you're a person who has been known to care about human services and care about people, but how, at a time when people are out of work and suffering, can you say that the very structure that is supposed to help them, being government, should be cut when what they are trying to do is help? The fact that you have people waiting 12 weeks. I talked to a hospice group in Meredith. They take care of 45 dying people every week. And they have not been paid by the state of New Hampshire since the first of May. They are carrying this and those people would be in a hospital and we would be paying for them, but they want to die at home and they are dying at home, but the state of New Hampshire isn't paying its bills. How can you say at a time like this that we should be cutting?

SENATOR PODLES: Senator, I am not being specific. I am not saying that you should cut there. I just indicated and you heard me, that we should cut 5 percent across the board for every department.

SENATOR HEATH: I likewise rise in opposition to this Resolution. I don't know what it accomplishes. It is like throwing a little bomb over there. They know what our position is. I think that they know that the Senate Leadership has the votes on the Senate's position and they are intransigent. If they don't want to negotiate, I think that that is regrettable. This won't make them negotiate any more than statements that we will pass a budget and go out of order will make them negotiate. I suppose when I get through I am going to have the usual array of people saying you know, give me some line item in the budget that is irresistible and suggest, would I want to cut that. Give me a red pen and commit to me that you will back my cuts and I will cut it down to a budget that I can vote for. Or take the same amount of money that I would suggest and you cut it down, and I can probably go for your priorities. My priorities are not the same as the House and I don't think Senator Humphrey's are. I think that what he said was he liked that better than the Senate's position. I don't like the House budget either. But I like it better than the Senate position right now. I don't think that this kind of a thing advances the process, puts the other team in a negotiating mood or does anything else. I don't think that there is anybody that is going to be moved by this Resolution whether it passes or not. I suspect it will pass, but we all have priorities and my priority happens to be that this is not the time to have what I view as an out of control budget pass either House. I don't even like the Governor's budget. I think that has got things in it that are unnecessary. Expansion of the ski areas, millions of dollars to tear down a building that's being used. I was in the Walker building the other day, bonding to buy more land when we don't have the money. I don't like his budget either. I just think that there hasn't been enough effort to trim the budget because the people who have been working on the budget haven't had the trimming as their priority. It happens to be mine and that is why I'll vote against this Resolution.

SENATOR HOLLINGWORTH: I would like to say that I am very pleased to support this Senate Resolution. I have had the pleasure of sitting through most of the negotiating although I was not there for the 4 o'clock in the morning ordeal. I would also like to say that I am very proud of how the Senate Conferees have conducted themselves. And we have moved somewhat from the Senate position, because we have made cuts, for those of you who have not been there. We have cut \$1,000,000 from indigent defense. We cut \$1,000,000 from the court systems. We have cut travel. We have cut an enormous amount

of things. I even lost one of my things that I really wanted. I wanted to have a part of the position funded for a position in Human Rights. I lost that because we felt that we couldn't have any new additional positions, even though mine was going to be partially funded from the general fund. I think in the ultimate end, would have saved money for the state. I was willing to give up that position because I am proud of what the Senate Conferees have done. I support this budget because I did a little looking at what the actual numbers were and I heard numbers that it was 13 percent, it was 14 percent increase. That is just not so. It is more like 3 or 4 percent when you look at the general fund dollars. That is not even able to keep up with the cost of living or the general inflation cost. So we are not passing a budget that is an increased budget. If anything, it is considerably decreased. I think if given the ability to continue to negotiate, the Senate and the House if they were free would have negotiated the other night. But my sense is that there was another entity that came forward to the group and felt very strongly that they wanted to punish the state employees and did not work with them. And I am not saying that that was the House's position, but that was certainly what was coming forward, that they didn't want to go along with the cuts and the benefits for business so that we can really recover in New Hampshire and that we can go forward to guarantee jobs for every man and woman out there that wants to work. And we can have real recovery in New Hampshire and not be waiting five or six years down the road for that to happen. What I saw happening was not a will to work together and finally come to a conclusion. I am glad to endorse this Resolution because I think if they know we have a will as a unit, as a Senate, the Conferees will come out with something that is right for every citizen of this state. We should be very proud of what this budget has done so far and what these Conferees have done. I would hope that you would all stand with me and support this.

SENATOR MCLANE: Senator Heath, there were some things that were on hold that are differences between the House and the Senate budget and one of them is something that is very close to both of our hearts. I wonder if you're going to be happy and what you would say is going to happen when there is no money given by the state of New Hampshire to the Christa McAuliffe Planetarium where 45 thousand kids have received wonderful experiences in just this past year. What do you see will happen when money is cut?

SENATOR HEATH: Well, there is only one thing that can happen and that is that the kids that make up the vast majority of the audience over there will start having a less subsidized or full price that represents the cost of the operation of the Planetarium. If it's an

educational facility in the view of the state that they want to subsidize, they will subsidize to the extent that they want to and if they don't, they won't, and the children will pay the freight. And when the children pay the freight, then it will have a slight affect of favoring those children with money and those school districts with money over those that don't have it. I support an appropriation, an annual appropriation of \$150,000 in that line item. That is one of my priorities. I think it is reasonable and rational. We originally started with a 1/4 of a million a year and we have come down a considerable percentage, but I don't expect that all of my priorities will be met in any budget and I don't expect that this particular one, having spoken out against this budget, will do very well, but I can't take a \$150,000 appropriation and bind myself to a 3.5 million dollar budget for it. I just can't be held hostage by one line item in the budget that is that far out of line with what I think is a moral and sensible way to proceed in a time when our citizens are experiencing considerable financial difficulties.

SENATOR MCLANE: And speaking of citizens, you have admitted that the children from Claremont and Pittsfield and Hinsdale, where there is no money in the school systems, will not be able to attend the Planetarium whereas the children from Wolfeboro, Hanover will probably go in great numbers. But I wonder if you wanted to comment about the overall effect of this budget in terms of rich people and poor people?

SENATOR HEATH: It is true that places like Hanover that have a lot of money may have the same advantage in attending the Planetarium as places like Concord because it is located here and it is also a rather wealthy town. But the effect is a general effect that children of poorer families wherever they live will have less chance if the individual price goes up. Overall, the general effect of a budget in which you raise taxes is that you reduce personal resources and therefore, you will bring more people into the troubled area, into the marginal area the more that you raise the revenues. So you want an overall effect, that is the effect. I think it will hurt the people of the state of New Hampshire and all of the bonding and spending that we do will not turn around a small part of a large regional problem. We don't have the . . . the federal government didn't do it back during the depression. It took a world war to end that depression. All the spending programs during that Roosevelt administration weren't cutting the mustard and we're certainly not going to do it and now global economy has a very small part of that by spending that kind of money. We will not spend our way back into prosperity if we give the citizens of New Hampshire tax breaks in this budget instead of tax

increases. They will individually prosper a little better and probably work a little harder, knowing that we are not going to take it out of their pocket when they get it.

SENATOR PRESSLY: I rise to say that, to inform you that I do intend to vote in the affirmative on the Senate Resolution 10 and I will explain to you why and one of the caveats that I see in relationship to this. I think the major part of this Resolution that I applaud is recognizing the members of the body that have given the time and the energy to this task that they have taken upon themselves and we are basically, well my interpretation of this Resolution is that we are encouraging these people to continue to pursue finding and negotiating a budget; however, I feel and I believe I have heard other members express that by voting for this Resolution, this is not a vote for the final budget. I feel and I believe that every member of this body has the responsibility to read the final conference report. I applaud the people who are working on this, but at the same time, I feel that my responsibility as a Senator is that I must take the time to review the final document which is not prepared yet. Again, I would like to say congratulations to those who have worked so hard. I think the vast majority of the Senate position, now that there have been some changes, I think are commendable and I know that you are doing a good job to resolve it and I think the important thing is that the people working on resolving the budget continue to do so. As I say, my one caveat is that a vote for this Resolution I would trust is not going to be a message to the Conferees that whatever they do will be approved by this body. I intend to still encourage them to pursue the negotiation, but I reserve the right to review the final document. Thank you.

PRESIDENT DUPONT: Senator Pressly, you are entirely correct. There will be a vote coming back to this body and a Conference report which will establish a new position between the House and the Senate. This is merely to affirm that we did in fact pass a budget here, that there have been changes made in it that the Senate Conferees have agreed to with the House and that what we are looking for is direction to continue. But I guess I would also just remind the Senate that you will have that opportunity to debate those changes. There are going to be some that members who wanted things in this budget that aren't going to have, and there are some other areas that things are going to be added to. That is the process.

SENATOR COLANTUONO: Senator Hough, first of all I would like to preface the question by stating that I view this as a Resolution which basically says that we want to keep up the good, hard work that has been done by the Conferees and we want a budget for

the people of the state of New Hampshire and I can support that concept. I had a little bit of trouble with the wording of the first Resolution clause. Perhaps Senator Hough can explain what the changes are that have been made by the Senate Conferees. Unfortunately, I haven't had the opportunity to sit in on all the sessions and before I vote for the Resolution I would like to know what those are.

SENATOR HOUGH: Well, Tom, there are a number of recisionary actions and I am glad that Majority Leader Gross is in the chamber. It is unfortunate that she couldn't respond to your question with me, but I think she can stand right there and acknowledge that one of the areas very specifically that we have addressed is that we have looked at every single automobile that was in the budget. We looked at the type of activity that we had gone through in past sessions and we have moved them all out. In their place we have put a fund of a 1/4 of a million dollars for emergency replacements to be approved by the Fiscal committee. That is an activity that we had tried in years past and it was very successful. It was cost effective. Interestingly enough on that issue including Mr. Brickett from the Governor's Office it became apparent to us that we haven't replaced our fleet in a number of years and we are faced with a number of vehicles with 90 and 100,000 miles and that is grossly inefficient. You are going to see the pressures to absorb that 1/4 of a million dollars be very intense. What we took from \$600,000 to \$700,000 down to a 1/4 of a million. That is a specific area, so that those cars that absolutely have to be replaced due to the various functions either in collecting revenue or providing service, hopefully will be able to be out there. The rest I am not sure and it has become very inefficient when you have people in agencies that are hard pressed to do the jobs that they are assigned and they just can't move. We may get some aid from Governor Sununu on that because he has found a way to find transportation, I understand. Seriously though, there is out-of-state travel. Again, we have cleaned that. We have set up a mechanism that has been tried in the past where requests for out-of-state travel were examined on an individual basis. Only those things that are critically important will allowed to happen. There will be no National Association conferences in Hawaii as there hasn't been in the last four years that I have been around here. So those are the final. Those are two examples of the final gleaning if we craft this document into the leanest possible positions. We have always had a situation where there are approximately 900 to 1,000 vacancies in state government positions at any one time. Some of these positions, if you've had experience in the military or such as a TOE a manning tape. We have a court order at the prison and at the former Laconia State School with a Developmental Services and we have an Institu-

tion at New Hampshire Hospital that has to maintain to its accreditation. Failure to do so would put in jeopardy its ability to recover medicaid reimbursement. So we have to make certain hold harmless provisions on authorized positions for accreditation that we know are vacant and have historically been vacant. But out of that there is a \$9,000,000 cut in our personnel line that does not affect active employees, but it is a situation which we have to carry. Any positions that are vacant will be eliminated. We've had to structure a mechanism whereby when these happen there will be critical functions that would be at risk and the legislature would be able to respond in the influent. This is an activity where we have cut. There is always the assumption of no matter how large the whole in a highly complicated and multi-line budgetary act that you can arbitrarily take a percentage cut. You can't, but you can structure a document that will allow for continuing with more corrections and net the recisions in the cuts that you were looking at. On and on, if you were to ask members of the conference. The Daycare coordinator position comes in and goes out. Where it will be ultimately, Senator Podles, I don't know. But you know that you and I have very strong feelings of supporting that position. Right now the House has a different opinion. That is still on the table. There are a number of things that are still on the table. We can't walk away at this juncture. I will tell you that the emphasis in the conference and it's not unusual to find this in any conference and that is to take what you have and then bring it into focus, and as you bring it into focus, you ultimately do the cuts that you are looking for. And we could answer that continually. Revenue sharing, it would become a position of whether or not you would make your commitment to the communities in a structured, historical fashion. We have had resources that we didn't anticipate, so now that the question of how we support, maintain our support to the local communities is clear and there will not be any delaying of payments. That isn't a cut, but that is a position that I think that is virtually universally supported. But on the one hand that brings the document better into focus. If your question is sincere, and you want to know what we are doing, obviously, there are other things that I can't recall, but I would tell you that the members that have been in the conference for the last two to three weeks are aware of items that I have forgotten. There have been cuts and there will continue to be cuts and quite frankly, some of them we can support. For example, the courts, \$2,000,000 out of the Judiciary budget. Now people can smile and people can be concerned. But we know that there is a backlog of cases in Hillsborough county. It is one thing to pick on lawyers and judges. They're fair game at any time. We understand that, but we still have to provide a judiciary. We have done a lot of

things to help them, but we specifically reduced their appropriations and they have to be able to live within them.

SENATOR COLANTUONO: I guess as a summary, are we being asked to endorse any upper changes in the Senate position or have they all been downward changes?

SENATOR HUMPHREY: I would tell you that the Conference has been a case of repeatedly moving back from the appropriation document that was passed by this chamber and the few remaining issues some will go and some be affirmed by our colleagues across the Hall. So the answer to your question is the conference has moved down from the Senate's position repeatedly, repeatedly. And will there be any upward movement? I will answer you very specifically. There are a number of items that the House Conferees feel very strongly about that would add to the Senate spending line on a number of issues. There was a request and supported by the Governor and supported by the House Conferees relative to, I believe, two or three positions in the Attorney General's Office. Now that is different and it's positive in relation to the position we established. Can you support that? Can you justify that in relation to the whole Conference is spending money in that area, but if you sit back and you talk with both the Governor and the Attorney General and the House Conferees, the Senate Conferees, that may be an area that good times and bad, in terms of criminal prosecutions in and out of control, violent crime rate that we may have to look very seriously at though. But that is initiative not by this body. It was brought forth by the House Conferees. It was requested by the Governor. If we are here tomorrow, God help us, if we are here next week, what you're going to see as all through this legislative session, that on a daily basis, there is something that crops up that you have to tend to. Generally the answer is it's off from the Senate position.

SENATOR HEATH: Senator Colantuono, I grew concerned as I listened to Senator Hough. I think the long hours have washed away his usual clarity and pace in speech. I wondered if you gathered from his reply to your question a better understanding of what was going on and what you would be endorsing in this: and the second part to that question, if you did, if you would be kind enough to explain it to me? I would be glad to hear it, would you do that, or have you found a greater understanding?

SENATOR COLANTUONO: My interpretation of his remarks is that we're endorsing lower spending by passing this Resolution.

SENATOR PODLES: Senator Hough, when I was looking over the budget, I noticed that there were some new cars added for the Reve-

nue Department. Could you tell me how many are now left? Are you providing in the budget for the Revenue Department?

SENATOR HOUGH: Nineteen automobiles in the Department of Revenue Administration. The cars that they have cannot be operated on the road, won't pass inspection. There are people in the Department of Revenue Administration that are out collecting the Rooms and Meals tax from the restaurants and the grocery stores that have to pay that. They are not getting there and if they get there, they are using their own automobiles at a great expense to the state of New Hampshire. These automobiles, aside from anything else, are just a situation where they have to be replaced. You have to collect your revenues.

SENATOR PODLES: Could you tell me if that's the total number of automobiles that the Revenue Department has to go out and collect that money?

SENATOR HOUGH: No, it is not.

SENATOR PODLES: It is not, so they have in addition to 19, there are others out there?

SENATOR HOUGH: These are the ones that for all intents and purposes don't work.

SENATOR NELSON: Senator Hollingworth, I wondered if you might notice on the 3rd paragraph, it says "whereas, at the request of the Governor, the Senate increased the appropriations in a number of areas" and I noticed that is one of the only places I've seen the word "increase." Would you happen to know what it is that the Governor has requested? I don't mean the whole thing, but maybe just give us an example of what this is?

SENATOR HOLLINGWORTH: Yes, there were several areas that the Governor came to the Senate and asked them to increase, one such place was in the AFDC funds. In several places in the caseload and also in the medical grant position and also for the nursing services. The area for aeronautics, the health benefits for retirees, the increase for business and industry, the James O case which in two areas that has to be funded, and there are several others. It is about \$12,000,000 that he has requested, I am told, \$12,000,000 additional request from the Governor.

SENATOR NELSON: Senator Hollingworth, do I understand you to say that the Governor of the state has requested increases of \$12,000,000 in this budget?

SENATOR HOLLINGWORTH: That is correct. That is what in our Senate budget, what we carry. He had originally said \$22,000,000 and then there was a cutback, so it is now at \$12,000,000 increases in

the Senate's version to cover the Governor's errors and the faults that the Governor had not put in his original budget or had not gone into the House budget.

SENATOR NELSON: Senator Hollingworth, would you believe that obviously, we are all working together to accomplish the same end and that is to help the people in need in the state in the most critical positions that we agree with the Governor and the Governor agrees with us sometimes?

SENATOR HOLLINGWORTH: That is true, Senator.

PRESIDENT DUPONT: I don't want to enter into the debate, but what you also have to recognize is that the closer we get to June 30, the more accurate the numbers get in terms of what you have for present caseloads that need to be served. So the Conference Committee is going to be making changes upward in some areas and downward in other areas, as the information from the departments come in.

SENATOR HUMPHREY: Senator Blaisdell, do I correctly understand that regard to fiscal year 1992, that the Senate Budget even with the addition of the \$41,000,000 in medicaid funding, are you still in deficit by about \$23,000,000?

SENATOR BLAISDELL: Twenty-four, I guess. Around 24, you are talking about debt service and things like that.

SENATOR HUMPHREY: So that the principles which by this Resolution we're being asked to endorse, in fact lead to a \$24,000,000 deficit in the first fiscal year, even with the addition of this \$41,000,000, rather fraudulently, secured from Washington.

SENATOR BLAISDELL: My answer would be absolutely no, Senator. My answer to you would be absolutely no.

SENATOR HUMPHREY: But the deficit is 24 million?

SENATOR BLAISDELL: The difference between the House and the Senate as of right now is \$24,000,000 between the two of us. Five million is debt service; the University is in there; I can't give you all of them, my papers aren't here, but . . .

PRESIDENT DUPONT: Senator, if I could respond to that. The Senate has a plan for dealing with that. We are dealing with a biennial budget. There are some adjustments that the House and the Senate are working on that would reduce that. I would also add that there is in fact going to be a request to reduce or eliminate a tax that was passed by this body when the new budget comes back to us. So we are going to use that revenue that is coming in to eliminate the necessity for passing a tax that we already passed.

SENATOR HUMPHREY: Well, may I ask a further question then? Does this document show the difference between the House and the Senate positions?

PRESIDENT DUPONT: No, it doesn't.

SENATOR HUMPHREY: I don't think so. This is a document that shows the surplus or deficit with regard to each fiscal year.

PRESIDENT DUPONT: And it should show a \$9,000,000 surplus at the end of the 2 years.

SENATOR HUMPHREY: At the end of the 2 years. But for the first year we are going to run a \$24,000,000 deficit?

PRESIDENT DUPONT: Senator, as I have said earlier, there is a proposal that is before both bodies in the Conference that does not have a deficit at the end of the first year and that is the goal.

SENATOR ROBERGE: Senator Hough, in regard to revenue sharing, are we level funding revenue sharing in the Senate budget to the same level that it was funded last year to cities and towns?

SENATOR HOUGH: I believe the appropriation, both in the Senate version and the House version, is the statutory appropriation as established in 1984. And it's that value, Sheila.

SENATOR ROBERGE: There will be no cuts in the appropriate . . .

SENATOR HOUGH: The law requires a value and that's the policy that was established in 1984. You remember when we did it?

SENATOR NELSON: Mr. President, I want to be absolutely clear on this particular document which is a Resolution which obviously is not binding. It isn't going to do much I think in terms of the people. The question specifically is this. When we vote on this, are we voting on the budget and not the actual package for revenues? Are those two separate issues?

PRESIDENT DUPONT: There are two separate issues. I want to make it clear to the Senate that I think it's important for this body to tell the Conferees to go back to the table, both in the House and the Senate. And you should not write into this Resolution, that your actions today are an affirmation of the Senate budget, that they are an affirmation of the changes that have been taking place. It basically says to the Senate Conferees, myself included, that we think that it is important for the state of New Hampshire to have a budget, a budget that is the most effective, cost efficient budget, which is the goal that I think every member of this body has directed Senate Finance to do. But it is also clear that the delibera-

tions on the budget have been very difficult, that there have been problems. I don't think that the Senate wants to see come back to it, a document that removes the basic principles in which we adopted a budget. Those included fully funding revenue sharing to local cities and towns, doing some things in the Economic Development area and it is more an affirmation of those principles than anything else. I believe and I personally drafted this, that it is important that we pass this today to send the House the message that we are serious about getting this budget problem behind us. I would just like to add that no budget means that state government shuts down, that you need an appropriation for the Governor to spend. I know the Governor sent a letter out asking for a plan of how we are going to operate state government after June 30. But if there is not a continuing resolution, if there is not a budget, you do not have a state government with the ability to spend \$1 on July 1, which means that some pretty drastic things would have to happen at that point in time.

SENATOR NELSON: In this Resolution, I appreciate that answer, which really clarifies a lot. I really appreciate that. The second question, sir, is, are we in any way endorsing bonding or any other taxes when we support this or are we supporting this in terms of the message to go forth and do the best you can?

PRESIDENT DUPONT: Senator, I would just add that in fact that where we are at right now has reduced the Senate's position on bonding capital items by \$32,000,000. That we have taken the medicaid money in the Senate and the House I think we are going to come to an agreement, to eliminate one of the taxes the Senate passed, to reduced the capital expenditure for bonding school building aid, and the appropriations for sewer grants. So we are moving and we are taking that money and we are not spending it. We are reducing some of the things that I think we recognize that weren't pleasant to do when we voted on this budget. And clearly, the fact that this money exists means that we have an opportunity to put together a budget that is going to be more palatable to all of us. We're all not going to agree with it, but this is a process of compromise. This is important to me, and I will say that right now to the body, I have been here virtually 18 hours a day for the last two weeks as well as the other Conferees and I am getting tired just like everybody else, but I recognize that we have an obligation to the people of the state to appropriate money so that we have a state government. Now you may disagree with what that state government is, but I don't think that anybody in this body would disagree with me that we need a budget document and we need it fairly

quickly if we are going to continue to have a state that is respected for its ability, for its legislature and its executive branch to manage its own affairs.

SENATOR MCLANE: I am sorry, but I can't resist. I have one question of Senator Humphrey that I think is sort of the essence of the opposition to this Resolution and to the process that we are going through and I wondered if he would answer this question. Senator, I have heard from both the Governor and the President of the Senate that if we do not pass a budget by June 30 that state government will shut down and I noticed that your reaction to that was to say "good". I wonder if you really could give me a vision. If the people that vote against this Resolution and plan to vote against the Senate budget, really believe that if you could give me some sort of scenario for what you think would happen on June 30 if it was a "good" thing for state government to shut down?

SENATOR HUMPHREY: Well it's my understanding that the Governor has warned or has indeed asked the Department heads to make preparations for all but the most essential services. So in the first place, the proposal or the means of dealing with it would not be to shut down the government as you say, but to shut down those services which are not essential. I don't personally view that as a dire emergency. That would result in some very real savings. I think there are better ways to do it and that is why I am suggesting that we need to step away from making this a personal issue between the President and the Governor and the Speaker, as it is more and more becoming, it seems to me, and to address the figures and not the egos and the personal positions.

PRESIDENT DUPONT: Thank you, Senators. I would like to add that there is a real question that is going to have to be addressed if we don't have a budget. What happens on July 1? I would rather not address it, because the whole issue of whether or not you can continue to operate state government without an appropriation will then be in question. There are some that have a very drastic view of what happens and I am not willing to take us to the point where that would have to happen.

SENATOR OLESON: I rise in support of the Resolution. I would like to pick out one reason why I like what has been done by that Committee of Conference. When it came over from the House some time ago, if you remember, they wanted to cut the business profits tax or revenue sharing or whatever you want to call it back from the towns some 40 percent and Senator Hollingworth came in with an amendment to see that it was going to be ironed out in the next three fiscal years they might get 4.1. I think in our society there is

one thing that people need and that is shelter. Especially in the winter time and it has always been the dream, maybe, to a lot of people in my district that some day they would own their own house and maybe a little piece of land. I am telling you that that dream is disappearing to some of our people. When I see a sign in my town or my district up for sale, I am apt to stop and ask why, because I am interested. I want to know why they have to sell their old homestead. And there are two things, property taxes and maintenance. I can roof my house. I did three years ago. A lot of people my age group can't. In my age group we pennied it and we nickled it and we dimed it to accumulate a little property. Now you can't keep it. The United States of America, the richest country in the world, and some of our citizens can't keep their property that they worked and slaved for. We passed that amendment as far as I know at this time, the people that I have talked to in that Committee of Conference have dug their heels in and said "Otto, don't worry, we aren't going to pile more taxes onto your locals". Remember ever since the revenue sharing or business profits tax was passed in 1972 this state of New Hampshire, the legislature has whittled away at it and whittled away at it to take care of some of these nice programs which we all like to have, but you have done it at the expense of your property owners. I hate to keep harping on this, but I still say it is a shame when people can't keep their property and it is happening. I assure you it is. Thank you very much, Mr. President.

Senator Delahunt has moved the question.

Adopted.

A Roll Call was requested by Senator Blaisdell.

Seconded by Senator Delahunt.

Recess.

Out of recess.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, Colantuono, McLane, J. King, Russman, St. Jean, Shaheen, Delahunt, Hollingworth, Cohen.

The following Senators voted no: Heath, Podles, Humphrey.

Yeas: 21

Nays: 3

SR 10 is Adopted.

Senator Humphrey in opposition SR 10.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill sent down from the Senate:

SB 151-FN, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks.

COMMITTEE REPORTS

HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles. Wildlife & Recreation committee. Ought To Pass. Senator Bass for the committee.

Recess.

Out of recess.

SENATOR BASS: I would refer your attention to the redistributed version which is the #3199 and it is titled HB as amended by the House. The bill essentially authorizes the Fish and Game Director with the consent of the Commission to establish a moose hunting season and bag limits or whatever the proper term is. Harvest, excuse me. However, it sets a 10 day limit for 1992 and it also requires the Executive Directors and the Commissioner of the Department of Transportation and the Commissioner of the Department of Safety to prepare and submit a report to the Speaker of the House and to the President of the Senate recommending measures to reduce collisions between moose and motor vehicles. The second part is the part that was added by the House. The committee urges your support of their motion of ought to pass for a number of different reasons. The moose herd has steadily increased over the last few years. Most as a result of a substantial amount of lumbering that has been done in the state as a result of the Spruce Budworm disease. The necessity of cutting down large tracts of land which produced a lot of low vegetation and it's caused an explosion in the moose population. This has the potential of resulting in the spread of diseases and so forth as exist in any herd of wild animals that is allowed to multiply without any form of management or control. I would also point out that the road hits, or whatever, moose kills on the road in New Hampshire have gone from 114 in 1988 to 120 in 1989, to 170 in 1990. The fact is that the Fish and Game Commission uses many instances to determine how large or small a moose herd is and the necessity of having a hunting season and how long, how short it may be and they have a very successful track record in managing other types of game species. The fact is with an estimated moose herd of 4,000 it's unlikely that the harvesting of 50 or 75 or 100 moose in any one year is going to make a substantial difference. So the committee urges your adoption of the committee report of ought of pass.

SENATOR COHEN: I would like to offer a floor amendment to this which has been distributed. The purpose of this floor amendment is to keep the moose hunt at 3 days as it is now and not to extend it. I heard no testimony on, within the Wildlife and Recreation committee that indicated that by increasing the moose hunt, increasing the take, there was no evidence whatsoever, that that would reduce the collisions. We all are interested in reducing the collisions. What my amendment does is it changes the first paragraph. It leaves the second paragraph which I believe is the important part, requiring the Executive Director of Fish and Game in conjunction with the Department of Transportation, the Department of Safety to recommend measures to prepare a report to find ways to prevent collisions between automobiles and moose. That I believe is the intention, that is what I would hope that everybody could agree to here without increasing the moose hunt. I saw no evidence. The Fish and Game Department said in their testimony that an increase in the take would be unlikely to reduce accidents. There was testimony that in areas where moose are hunted now, there are higher incidents of accidents with cars. There are more collisions in an area where the moose are hunted. As I said, there is no evidence that increasing the hunt will decrease the accidents. The only way by increasing the hunt we could decrease the accidents would be by totally decimating the moose herd. I don't think that anybody wants to do that. It is important that we implement the second section, I believe, to reduce the accidents. I would move that the HB 41 be ought to pass with the amendment. One suggestion is that oftentimes when moose are on the highways it's to lick the salt left over from the winter salting. It was suggested that people put out salt licks well back from the highways to prevent the moose from going onto the highways, or increasing signage, but let this committee do its work, find ways to reduce the collisions and not unnecessarily increase the moose hunt.

SENATOR BASS: Mr. President, I am assuming that Senator Cohen's amendment is #3387L and if that is indeed the case, I rise in full support of his amendment because what it does is put the moose hunting season in and eliminate the study report and although I do think that the traffic study and the traffic problem is significant, if Senator Cohen feels that. I would like a one-minute recess.

Recess.

Out of recess.

SENATOR BASS: I would like to correct the record. Senator Cohen has explained to me that the purpose of his amendment is somewhat different from that which I had originally thought. His amendment does add the language to the first paragraph of the bill terminating

the authority, the Executive Director, but it keeps the moose hunting season at three days as set by previous law. It leaves the 2nd section of the existing bill intact, but it doesn't mention it in the amendment, so I stand corrected. I rise in opposition on that basis to the Cohen amendment and I would simply say that many of my remarks have already been covered only to say that reducing collisions is one of many reasons to allow the moose hunting season to be expanded. But the Fish and Game Department has managed our Wildlife Program in this state for all of the other species that are hunted, with what I think is great efficiency and success. To put the moose hunting season into a special category that requires a legislative mandate to change it certainly, if nothing else, will make it necessary for us to have this debate, year after year and I really question whether or not we are really or should be the final authority on making decisions that require biology and require a lot of compilation and data and require, I think, a much clearer understanding of what the situation is with respect to the moose herd than we are really in a position to make as legislators. I think that we should let the professionals worry about this problem. They are going to act responsibly. They have with all the other wildlife that they have dealt with and I think that the question of extending the moose season to 10 days is not going to adversely affect the size of the herd. I urge your opposition to the Cohen amendment.

SENATOR CURRIER: Senator, you indicated that there was no testimony that would indicate that the amount of moose that are on the highway and killing the citizens of the state of New Hampshire in motor vehicles would be reduced as a result of this bill, but in sheer numbers if the herd was reduced by a certain number, wouldn't percentages there, be that fewer moose that would actually get in the roadway?

SENATOR COHEN: Senator Currier, as I said there was testimony indicating that where hunting takes place now, there are more moose/automobile collisions, as the moose hunt is going on. I suppose if you decimated the herd, totally wiped it out, then there wouldn't be any moose to run into cars, unless you are advocating that position?

SENATOR CURRIER: Well, quite frankly I am concerned. I don't think that the moose are on the road just during hunting season. I mean they are on the road 365 days a year. I had a very close friend of mine that was killed recently in Plymouth while he was riding his motorcycle by one of these moose. I, quite frankly, think that Fish and Game and others are probably much better equipped with the data to determine whether the moose hunt should be increased and

so forth. I don't think that they would actually do anything that would prevent the extinction of the moose in New Hampshire. I would think that that would be most harmful to our National Wildlife Refuge here in New Hampshire. But I really think that your amendment doesn't address some of the immediate concerns relative to the moose population.

SENATOR COHEN: Well, I wasn't sure if I heard a question in there, but . . .

SENATOR CURRIER: Would you believe?

SENATOR COHEN: In reference to the idea of reducing collisions, I am very interested in reducing the collisions. I don't think that there is anybody who doesn't want to do something to reduce the collisions. I heard no testimony from Fish and Game or from anybody for that matter that by increasing the hunt it would in fact reduce the collisions. The way to reduce the collisions is what is called for in the second paragraph of this bill which we would keep, which would find methods, signage, cutting back brush near the highway or any other ways to make sure that we do in fact reduce the incidents of moose and motor vehicle collisions. If you want to reduce the motor vehicle collisions with moose, then I would suggest that we vote ought to pass as amended.

SENATOR HEATH: I rise in opposition to the amendment. One of the prime pieces of testimony that we had on this legislation is that Fish and Game determines what reduction is healthy for the herd through hunting and they set that number and if you get three rainy days, you don't meet that number. If you have three real ideal hunting days, you might meet that number. But in three days it is unlikely. That is why they need to expand the number of days to achieve the numbers that they set that are healthy for reduction. I don't think that this is going to cut down greatly on the number of incidences of 179 times a car encountered moose last year. There was almost one last night when I came home from Concord, very close, within 1-1/2 miles of my house. One came out of the woods like it was on a railroad track. It didn't look right or left like a trotter horse coming right across the road. I narrowly missed it and that is the second time this year. On a rainy night, my wife and I came up behind two that were running down the middle of the road on a fairly sharp bend. But we were all going in the same direction and it gave us time to stop. But if you kill 100 moose in a hunting season, none of those 100 will kill a human being in an automobile accident. That is a fact. I don't know how many people are going to die in moose encounters this year. I don't know how much property damage and injury is going to happen, but this won't cure it and don't believe that it will.

This is simply doing two things that gives the Department the ability to get the numbers that they set taken out of the herd and it gives them the opportunity and the chance to further study ways to reduce incidences of accidents. The salt lick thing probably won't happen because if you put salt licks back from the road to attract moose back there, you will attract a lot of deer at those salt licks and consequently, a lot of hunters will be sitting around the salt licks, and hunting over salt licks is quite against the law in every state. It would be a very attractive nuisance that would have to be maintained vigilantly by the department and I don't think that the department has the resources to do that. But there may be some ways that we can help educate the public and reduce it. But even an educated public, I consider myself a little educated about the moose problem that I could have an encounter as many of my friends and neighbors had, who we all full well know that there are certain areas in Sandwich and Tamworth where there have been a lot of moose accidents and yet they still occasionally have one because these animals have no inhibition when they are running across the road. They don't look left and right like we teach our children. So I would urge you to vote against the amendment and for the bill as passed by the House.

Senator Cohen offered a floor amendment.

Floor Amendment to HB 41

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the moose season and reducing collisions
between moose and motor vehicles.

Amend the bill by replacing section 1 with the following:

1 Taking of Moose; Hunting Season. Amend RSA 208:1-a, I to read as follows:

I. No person shall hunt, take, or have in his possession any moose or any part of the carcass of a moose taken in this state without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, may establish, by rules adopted under RSA 541-A, a hunting season of up to 3 consecutive days for moose in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the mode by which moose may be taken; the length of the season; requirements for reporting by hunters; sex limitations; and total take in any one year, which may not exceed 75 the first season. **The authority of the executive di-**

rector as granted by this section shall expire on December 31, 1996, except that such authority shall permit the executive director, with the consent of the commission, to set the opening date of hunting season for moose for 1997.

AMENDED ANALYSIS

This bill authorizes the executive director of fish and game, with the consent of the fish and game commission, to set the season for the taking of moose until December 31, 1996.

This bill also requires the executive director of the fish and game department, the commissioner of the department of transportation and the commissioner of the department of safety, to prepare and submit a report to the speaker of the house and president of the senate recommending measures to reduce collisions between moose and motor vehicles.

This bill also sets the 1991 moose season from October 15, 1991, to October 24, 1991.

Senator Cohen moved to have HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles, Laid On The Table and made a Special Order.

Adopted.

Recess.

Out of recess.

A Roll Call requested by Senator Heath.

Seconded by Senator Cohen.

The following Senators voted yes: W. King, Hough, Roberge, Nelson, Podles, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Oleson, Heath, Fraser, Currier, Disnard, Blaisdell, Bass, Pressly, Colantuono, McLane, Humphrey, J. King, St. Jean.

Yeas: 10

Nays: 13

Motion to have HB 41 Laid On The Table Failed.

SENATOR COLANTUONO: Senator Cohen, relative to your amendment which I take it is still before the body. Did you attend to leave paragraph 3 of the original bill in place which sets a ten day hunt for this year?

SENATOR COHEN: No. I intended it to be three days.

SENATOR COLANTUONO: So we should vote against your amendment then?

SENATOR COHEN: Well in that case, I would suggest killing the entire bill along with my amendment.

Senator Cohen withdrew his floor amendment.

SENATOR OLESON: I rise in support of the committee amendment. I will give you two reasons. One is that I got a phone call over the weekend from a doctor in the Lancaster Hospital and he said that it is amazing how many accidents and injuries by moose related incidents. It isn't just hitting moose which is bad enough, but sometimes I think everyone of us when an animal crosses in front of us we try to avoid it. And people in cars are going off and injuring them. The second thing is that a friend of mine who happens to be one of your very good substantial people, I am talking about a farmer who earns his keep to stay alive and he said, "Otto it isn't the funniest thing in the world to look down my lower meadow and see a couple of bull moose parading down with my new wire fence tangled up in their horns". "Well", I said, "of course you can destroy them, for destroying property", but of course the answer is you can do it after the damage is done. So they are to a certain extent a nuisance and I would wish you would vote 41 as has been amended.

SENATOR RUSSMAN: What I would like to say is Senator Cohen, the amendment that he had asked to be drawn was not drawn the way that he liked it. Now it wasn't what he intended. Now we may vote the amendment down, but I think as a courtesy and a matter of fairness or perhaps this afternoon we have to come back this afternoon and I don't think that it would be unfair to ask that it at least be postponed until this afternoon so that he could at least go to Legislative Services and have them draft the amendment that he asked them to have drawn and it was apparently indeed drawn improperly. So in a sense of fairness really, I think we ought to at least let him have his amendment drawn properly and have us take a look at it and then if we don't like it we can vote it again. So I am going to move to table, if it's appropriate till this afternoon at least so that he can have it properly drawn.

SENATOR CURRIER: I agree that the courtesy is great, but I don't know if I am a moderate or a liberal or a conservative at this point. But the question I have is why don't we just take a straw poll right now, to find out if we want to waste the money of having another stupid bill drawn and another tree cut down to produce the paper to do the bill. It doesn't make any sense.

SENATOR RUSSMAN: In response to your question, Senator Currier, I know it seems that you might have been one of the people up till 4 o'clock in the morning. I realize that we are all getting perhaps

a little bit short at the end of session here, but in all fairness to another fellow member, he didn't get what he wanted from Legislative Services, so in fairness to him I don't think it's too much to ask. We would do it to anyone else—that we at least extend that courtesy.

PRESIDENT DUPONT: The Chair believes that that is an option that the body has before it.

Senator Fraser moved to have HB 41, Laid On The Table and made a Special Order at 2:30 this afternoon.

Adopted.

HB 41, IS LAID ON THE TABLE and made a SPECIAL ORDER.

COMMITTEE OF CONFERENCE REPORTS

COMMITTEE OF CONFERENCE REPORT ON HB 509

The committee of conference to which was referred House Bill 509, An Act clarifying the definition of public benefit relative to permitting solid waste facilities having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 149-M:10-c, VII as inserted by section 3 of the bill by replacing it with the following:

VII. Any proposed solid waste facility to be owned and controlled by a solid waste district, or a member municipality on behalf of its solid waste district, shall be deemed to fulfill the requirements of subparagraph III(a) provided that it is built within the district and shall serve only the capacity needs of that district. Any permit issued for a facility which fulfills the public benefit requirement by relying on this paragraph shall state that the facility is limited to receiving solid waste generated within that district.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6:

4 Completed Applications. Any application for a solid waste facility permit which has been deemed complete by the division of waste management, department of environmental services on the effective date of this act shall be subject to a determination of public benefit under the provisions of RSA 149-M:10, II-b, rather than the provisions of RSA 149-M:10-c inserted by this act.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2
 Sen. Russman, Dist. 19
 Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. Scanlan, Graf. 11
 Rep. Trombly, Merr. 4
 Rep. J. Bradley, Carr. 6
 Rep. Burnham, Ches. 5

Senator W. King moves noncurrence and requests a new report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 509

The committee of conference to which was referred House Bill 509, An Act clarifying the definition of public benefit relative to permitting solid waste facilities having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 149-M:10-c, VII as inserted by section 3 of the bill by replacing it with the following:

VII. Any proposed solid waste facility to be owned and controlled by a solid waste district, or a member municipality on behalf of its solid waste district, shall be deemed to fulfill the requirements of subparagraph III(a) provided that it is built within the district and shall serve only the capacity needs of that district. Any permit issued for a facility which fulfills the public benefit requirement by relying on this paragraph shall state that the facility is limited to receiving solid waste generated within that district.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2
 Sen. Russman, Dist. 19
 Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. Scanlan, Graf. 11
 Rep. Trombly, Merr. 4
 Rep. J. Bradley, Carr. 6
 Rep. Burnham, Ches. 5

SENATOR W. KING: The only thing about this amendment is the effective date. It becomes effective immediately on passage. But I would like to reiterate for the record what I said on the sixteenth of the month. And that is that there is a section in there that deals with a financial viability of a project. And that is the financial viability from the point of view of the person who is making application. It

does not allow the Department of Environmental Services to assess whether or not a project is financially viable. We leave that up to the market to decide.

Senator W. King moved concurrence with the Committee of Conference report.

Adopted.

TAKEN OFF THE TABLE

Senator Currier moved to have SB 42, an act relative to the board of podiatry, Removed From The Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 42-FN

The committee of conference to which was referred Senate Bill 42-FN, An Act relative to the board of podiatry having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate

Sen. Currier, Dist. 7

Sen. Colantuono, Dist. 14

Sen. Blaisdell, Dist. 10

Conferees on the Part of the House

Rep. Kidder, Merr. 2

Rep. Emerton, Hills. 6

Rep. Ward, Graf. 1

Rep. McGovern, Rock. 27

SENATOR CURRIER: Evidently last week there was some question regarding the Podiatry bill. This thing has bounced around from the Executive Departments Committee to Senate Finance and back and forth and I believe the basic question that was asked at last session was dealing with the scope of practice with regard to Podiatry. I believe that Senator Nelson had a question regarding that. To answer her question, the scope of practice on this particular piece of legislation does not change. What this bill is basically doing is bringing in line with all of the other Boards and Commissions that are dealt with by the Board of Registration in Medicine so that in terms of hearings and proceedings everything is very similar. At the Senate hearing there were some questions regarding scope of practice, but the House and the Senate really didn't take any action regarding scope of practice. There was also an amendment placed on there dealing with the Board of Registration and Medicine in the Pharmacy Board relative to the Advanced Life Support practices of

Emergency Medical Technicians in the state of New Hampshire to allow them to do invasive IV therapy practices which were questionable in terms of the current legislation. The House agreed to that amendment in the Executive Departments and Administration committee in the House. What you have before you is the bill as amended.

SENATOR MCLANE: Senator Currier, we missed you a lot last week. We did discover a few things that you had left behind such as an amendment on jet skis. So my question of you is, does this bill contain any amendment having to do with anything else besides podiatry?

SENATOR CURRIER: Senator, the bill does have a House amendment which includes a provision for licensing of Emergency Medical Technicians with regard to IV therapy. That was done in the House. That was not done in the Committee of Conference. Basically what we are doing is concurring with the House amendment of a Senate Bill. There has been no other, but it does have an amendment that is germane in the sense that it's relative to the Board of Pharmacy and the Board of Registration in Medicine which the Podiatry bill deals with as well. The reference that you made otherwise, I really am not sure about.

Senator Currier moved concurrence with the Committee of Conference report.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 97, relative to administrative rules and state mandates.

COMMITTEE OF CONFERENCE REPORT ON SB 97

The committee of conference to which was referred Senate Bill 97, An Act relative to administrative rules and state mandates having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7
Sen. J. King, Dist. 18
Sen. Heath, Dist. 3

*Conferees on the Part
of the House*

Rep. Kidder, Merr. 2
Rep. W. Boucher, Rock. 23
Rep. Dowd, Rock. 7
Rep. Larochelle, Hills. 38

Recess.

Out of recess.

SENATOR CARRIER: On a previous bill that was passed by the Senate dealing with Senator Heath's bill, setting up a commission and so forth for provisions that were modified in HB 603 and we think that everything has been taken care of with regard to some of the basic concerns that we had during that period of time. So with this Committee of Conference Report now receding from our non-concurrence position because HB 603 has in fact passed this body.

Senator Currier moved concurrence with the Committee of Conference report.

Adopted.

Recess.

Out of recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to HB 104-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a public water rights report and advisory
committee and relative to water usage by
registered hydroelectric facilities.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 142-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to school district budgets, the Tilton and Northfield Union
school district and the Winnisquam regional school district.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 161-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to retirement system benefits and retirement
system membership eligibility and making
an appropriation from the retirement
system administrative account.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 171-FN

Amend the bill by inserting after section 4 the following and re-numbering section 5 to read as 6:

5 Contingent Renumbering. If SB 182-FN becomes law, RSA 9:4-b as inserted by section 2 of this act shall be renumbered to RSA 9:4-c.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 210-FN

Amend the title of the bill by replacing it with the following:

AN ACT

creating a committee to study artificial impoundments
and relative to the department of environmental
services revolving fund.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 250-FN

Amend the bill by inserting after section 9 the following and re-numbering the original sections 10-11 to read as 11 and 12, respectively:

10 Unlawful Ads Clarified. RSA 326-B:15, II and III are repealed and reenacted to read as follows:

II. Practice as a registered nurse, practical nurse, or nursing assistant when the license or registration has been revoked or suspended or when the license or registration has lapsed or is inactive.

III. Use, in connection with the licensee's or applicant's name, any designation tending to imply licensure as a registered nurse, practical nurse, or nursing assistant unless so licensed under this chapter, except that retired registered nurses may use the designation "R.N. (ret.)" and retired practical nurses may use the designation "L.P.N. (ret.)." Retired status does not allow the practice of registered or practical nursing as governed by this chapter.

Amend the bill by replacing section 12 with the following:

12 Provision of HB 597 Nullified. 1991, 34:5, relative to unlawful acts, shall not take effect.

13 Effective Date.

I. Section 10 of this act shall take effect January 1, 1992.

II. The remainder of this act shall take effect July 1, 1991.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 325-FN

Amend section 2 of the bill by replacing lines 2-3 with the following:

after section 3-d the following new section:

207:3-e Use of Telemetry Equipment Restricted. No person shall use a

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 416-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to drug-free school zones and making
appropriations therefor and establishing a
committee to study certain issues
related to drug-free zones.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 451-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the licensing of residential care and health facilities and establishing a study committee on the Patients' Bill of Rights.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 486-FN

Amend the bill by inserting after section 3 the following and renumbering section 4 to read as 5:

4 Contingent Renumbering. If SB 191-FN becomes law, RSA 597:38-a as inserted by section 1 of this act shall be renumbered to RSA 597:38-b, and the references to RSA 597:38-a in RSA 263:56-d as inserted by section 2 of this act shall be changed to RSA 597:38-b.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 515-FN

Amend the title of the bill by replacing it with the following:

AN ACT

giving legislative approval to the land conservation investment program to accept certain dams and continually appropriating the dam maintenance fund.

Senator Currier moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives has recalled from the Governor the following entitled bill, and has amended and passed said Bill, in the passage of which the House asks the concurrence of the Senate:

HB 517-FN, relative to watercraft safety and moorings.

Senator Heath moved concurrence.

Adopted with House Amendment.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 509, clarifying the definition of public benefit relative to permitting solid waste facilities.

SPECIAL ORDER
TAKEN OFF THE TABLE

Senator Cohen moved to have HB 41 relative to the moose season and reducing collisions between moose and motor vehicles, Taken Off The Table.

Adopted.

HB 41 relative to the moose season and reducing collisions between moose and motor vehicles. Wildlife and Recreation committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: The corrected floor amendment, I am appreciative of Senator Colantuno for finding the inconsistency and this does correct it. This keeps the hunt at the present 3-day level and it makes sure to keep the focus of doing what we can to avoid collisions between automobiles and moose and I would urge a vote of ought to pass on the amendment.

SENATOR HEATH: Briefly, for all of the reasons that were reiterated earlier; I urge you to vote no on the amendment and to stick with the original version of the bill. There would not be time or a possibility for a Committee of Conference that would effectively kill the bill if you pass the amendment.

SENATOR OLESON: For practically the same reasons that my colleague Senator Heath has stated, I hope that we defeat the amendment as offered at the present time and go back to the original bill. As I said before and I emphasize it once again, over the weekend I had a doctor call from the Lancaster hospital that you would be surprised at how many injuries are reported in the hospital every week, not just the cars hitting moose, but the related causes such as avoiding animals which I think that we all try to do. I might have it both ways, Mr. President. Because before where my brother owns his homestead there is a crossing and from one to three moose are hit every year in that area. Those less injured, my brother has been allowed to take them, he has the equipment. He has one freezer full of moose meat the year round. I think that I would like to see the Department have more authority over the moose seasons. In my district and my area, they are a nuisance. Maybe they aren't in the southern part of the state, but if the Fish and Game had the authority to set seasons and try to manage them to some degree, this is a direction that I should take and I think this bill as originally offered is a step in that direction.

SENATOR PRESSLY: The reason that I have choosen to speak about this is, that all of us as elected officials have to grapple with our philosophy in the things that we believe in and the things that

we care about and it has been many years that I have developed a position that has really been comfortable for me and I wish to share it with you. I consider myself a strong environmentalist and someone who cares about history and heritage and what we stand for. It has always been very easy for me to say that we must protect every living creature. Anyway, I would like to speak to this for a personal reason, but also philosophically. I think it's a position that makes sense and I think that it should be expressed. This is what I want to say. I think that the important thing in any legislation is what we call balance, where you weigh the interest and the concerns of all the people and come up with a position that is fair to all. And if you, this has become a very emotional issue, because these are living creatures. They are very dramatic; they are magnificent. There is a little bit of romance about these enormous, powerful creatures, but I think that we also have to remember that hunting is part of our heritage and it means a great deal in the development of our land and that hunting is in fact a legitimate activity and one that deserves some form of protection also. Therefore, I do support the concept that we, as legislators, that we have hired professionals to balance and weigh. There have been other speakers who have referenced the technical side of it. These factors all come into play. I believe that the interests are sufficiently important to all of those concerned, that this should be left to professionals that we have hired so that they can weigh the pros and cons. I am confident that the department will see that this magnificent species is protected, will see that it has the ability to graze and to roam free in New Hampshire and at the same time that the hospitality industry, that the hunters, the people that do enjoy that aspect of New Hampshire, will be able to do so. As far as the length of time, I would like to make an argument that I feel that that also should be left up to the professionals. In many ways if you try to crowd in hunting into a short period of time, there might be a safety factor involved. Again, I think it should be left up to the people that we have hired to do this very thing. Thank you very much.

Senator Cohen offered a floor amendment.

Floor Amendment to HB 41

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the moose season and reducing collisions
between moose and motor vehicles.

Amend the bill by replacing section 1 with the following:

1 Taking of Moose; Hunting Season. Amend RSA 208:1-a, I to read as follows:

I. No person shall hunt, take, or have in his possession any moose or any part of the carcass of a moose taken in this state without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, may establish, by rules adopted under RSA 541-A, a hunting season of up to 3 consecutive days for moose in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the mode by which moose may be taken; the length of the season; requirements for reporting by hunters; sex limitations; and total take in any one year, which may not exceed 75 the first season. **The authority of the executive director as granted by this section shall expire on December 31, 1996, except that such authority shall permit the executive director, with the consent of the commission, to set the opening date of hunting season for moose for 1997.**

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

AMENDED ANALYSIS

This bill authorizes the executive director of fish and game, with the consent of the fish and game commission, to set the season for the taking of moose until December 31, 1996.

This bill also requires the executive director of the fish and game department, the commissioner of the department of transportation and the commissioner of the department of safety, to prepare and submit a report to the speaker of the house and president of the senate recommending measures to reduce collisions between moose and motor vehicles.

Recess.

Out of recess.

A Roll Call was requested by Senator Roberge.

Seconded by Senator Fraser.

The following Senators voted yes: W. King, Hough, Roberge, Nelson, Podles, Russman, Shaheen, Hollingworth, Cohen.

The following Senators voted no: Oleson, Heath, Fraser, Currier, Disnard, Blaisdell, Bass, Pressly, Colantuono, McLane, Humphrey, J. King, St. Jean, Delahunty.

Yeas: 9

Nays: 14

Floor Amendment Fails.

Committee Report is Adopted.

Ordered To Third Reading.

Senator W. King in favor of HB 41.

COMMITTEE OF CONFERENCE REPORT ON HB 35-A

The committee of conference to which was referred House Bill 35-A, An Act making appropriations for capital improvements having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General

A. Replace 2 roofs *	\$ 130,000
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Total state appropriation paragraph I	\$ 130,000
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II. Administrative Services

A. Repair State House dome	\$ 250,000
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B. Concord district court furnishings *	50,000
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C. State House elevator repairs	200,000
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D. Demolition of Walker building	1,800,000
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E. Coos county superior court-renovations and code requirements	600,000
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Total state appropriation paragraph II	\$ 2,900,000
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(The funds appropriated in subparagraph II, D shall be used for the asbestos removal, demolition and cleanup; filling of cellar hole; and the capping, removing and rerouting of utilities. Any funds remaining after completion of the project shall be used for site work preparation of a parking lot to be located on this site and used for state purposes.)

III. Environmental Services

A. Match state water pollution revolving loan fund	\$ 5,131,074
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B. Winnepesaukee river basin project (sewage system improvements)	292,000
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C. Hazardous waste superfund matet	1,500,000
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Total state appropriation paragraph III	\$ 6,923,074
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(For the purposes of subparagraph III, A, matching bonds shall not be issued until the treasurer has received notification that the federal letter of credit for the federal portion has been received.)

IV. Executive — State Planning

A. Land conservation program \$ 7,000,000

Total state appropriation paragraph IV \$ 7,000,000

V. Health and Human Services

A. New Hampshire hospital

1. Philbrook health and safety 225,000

Total subparagraph A \$ 225,000

B. Glenclyff home for the elderly

1. Replace fire hydrant * \$ 40,000

2. Replace sewer lines * 30,000

3. Slip proof tunnels * 32,000

4. Design and construction documents
for a 75-bed nursing home facility \$ 400,000

Total subparagraph B \$ 502,000

C. Division for Children and Youth Services

1. Rewire administration building — YDC * \$ 160,000

2. Repair roof on administration building — YDC * 45,000

3. Hook up sewer in administration building — YDC * 50,000

4. Asbestos removal or containment — YDC * 50,000

5. Locks and cylinders — YDC * 55,000

6. Air handling — Tobey building, N.H. hospital 100,000

7. James O. settlement — YDC

a. Complete elevator 60,000

b. Handicapped bathrooms 60,000

c. Library equipment * 25,000

d. Handicapped access, etc. 375,000

Total subparagraph C \$ 980,000

D. Division of Public Health Services

1. Laboratory modernization \$ 525,000

2. Radiological laboratory update 130,000

Total subparagraph D \$ 655,000

E. Office of alcohol and drug abuse prevention

1. Tirrell House * \$ 57,000

Total subparagraph E \$ 57,000

Total state appropriation paragraph V \$ 2,419,000

VI. Liquor Commission

A. Roof replacement * \$ 162,000

B. Liquor store I-95 5,500,000

Total state appropriation paragraph VI \$ 5,662,000

VII. Postsecondary Technical Education

A. NHTC — Manchester

1. Phase II rehabilitation of Knox Building \$ 1,830,000

2. Electric laboratory station	325,000
Total subparagraph A	\$ 2,155,000
B. NHTC — Berlin	
1. Roof replacement *	\$ 45,000
2. Office simulation lab *	90,000
3. Cad cam lab *	161,376
Total subparagraph B	\$ 296,376
C. NHTC — Nashua	
1. 25 station IBM personal computer lab *	\$ 87,200
Total subparagraph C	\$ 87,200
D. NHTC — Claremont	
1. Technical lab *	\$ 241,000
Total subparagraph D	\$ 241,000
E. NHTC — Laconia	
1. Computer lab*	\$ 156,334
2. Automobile technical lab*	\$ 100,000
Total subparagraph E	\$ 256,334
F. NHTI — Concord	
1. Parking lot	\$ 1,000,000
Less police standards share	-200,000
Net appropriation subparagraph F	\$ 800,000
Total state appropriation paragraph VII	\$ 3,835,910
VIII. Resources and Economic Development	
A. Division of parks	
1. Repairs and renovations system-wide for major deferred projects	\$ 1,500,000
Total subparagraph A	\$ 1,500,000
(The funds appropriated in subparagraph VIII, A, 1 shall not be spent, obligated, or encumbered until such time as the department of resources and economic development has developed an action plan and received the approval of such plan from the capital budget over- view committee.)	
B. Ski operations	
1. Cannon — snowmaking	\$ 600,000
2. Cannon — replace snowmaking pipe	150,000
3. Sunapee — air compressor	250,000
4. Sunapee — move and expand rental shop	93,000
5. Sunapee — intake valve	200,000
6. Sunapee — snowmaking skyway	197,000
7. Sunapee — sewage lagoons	50,000
Total subparagraph B	\$ 1,540,000
Total state appropriation paragraph VIII	\$ 3,040,000
IX. Department of Safety	
A. Glendale dock repair	\$ 350,000
Total state appropriation paragraph IX	\$ 350,000

X. Department of Transportation

A. Division of aeronautics

1. Skyhaven — runway/taxi	\$ 164,000
2. Skyhaven — renovate administration building	85,000
3. State required 5 percent — 10 percent match for FAA — approved airport priority projects	500,000
4. Lebanon Airport — reconstruction of runway 72-5, extend taxiway to runway 7, expand aircraft parking apron associated lighting and other improvements	3,061,111
Less Federal	-2,900,000
Net appropriation, subparagraph 4 (state share — 5 percent)	\$ 161,111
Total subparagraph A	\$ 910,111

(The funds appropriated in subparagraph X, A, 3 shall be for airport projects approved by the Federal Aviation Administration, which include the following projects: construction of aircraft parking apron, Concord; construction of perimeter road and installation of security fence, Nashua; expansion and improvement of aircraft parking apron, Concord; land acquisition, Manchester; land acquisition, Nashua; master plan update, Berlin; master plan update, Rochester; purchase crash, fire, and rescue equipment; purchase snow removal equipment, Lebanon; ramp and apron for new terminal, Manchester; reconstruct runway 7-25, Lebanon; and taxiway, apron, and lighting, Nashua.)

B. Division of public works

1. Underground tank removal and replacement statewide	\$ 1,144,000
Less fish and game fund	-33,000
Net appropriation subparagraph B	\$ 1,111,000
Total state appropriation paragraph X	\$ 2,021,111
Total state appropriation section 1	\$34,281,095

* To be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Repairs and renovations system-wide	\$ 5,000,000
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(The funds appropriated in subparagraph A shall not be spent, obligated, or encumbered until such time as the university system of New Hampshire has developed an action plan and received the approval of such plan from the capital budget overview committee.)

B. Biological science center — Durham	30,000,000
Less Other (Donations, grants, etc.)	-15,000,000
Net appropriation subparagraph B	15,000,000

(No funds appropriated by subparagraph B shall be expended or encumbered in any way until the university system of New Hampshire certifies to the capital budget overview committee that it has raised and can account for \$15,000,000 or more in gifts, grants, donations, or pledges from sources other than the state, to be used for the construction of a biological science center on the Durham campus of the university system of New Hampshire, except that the university system of New Hampshire may, upon the raising of \$5,000,000, expend or encumber such funds for design and construction documents. The funds appropriated in subparagraph B shall constitute the total state share of completed construction costs of the biological science center. The university system of New Hampshire may use any gifts, grants, donations, or pledges in excess of its \$15,000,000 share of the construction toward the costs of construction.)

C. Public television equipment replacement *	500,000
Total state appropriation section 2	\$20,500,000

* To be 5-year bonds.

3 Appropriation; Department of Transportation. The sums herein-after detailed are hereby appropriated for the projects specified:

A. Central office

1. Computer power upgrade*	\$ 350,000
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B. Division of public works

1. Underground tank removal and replacement state-wide	956,000
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Total state appropriation section 3	\$ 1,306,000
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4 Appropriation; Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Water line replacement	\$ 100,000
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Less federal	-75,000
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Net appropriation subparagraph A	\$ 25,000
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B. Replace pools/raceway hatchery	500,000
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Less federal	\$ -375,000
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Net appropriation subparagraph B	\$ 125,000
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C. New Hampton and Berlin hatcheries facility renovations	85,000
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Less federal	-63,750
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Net appropriation subparagraph C	\$ 21,250
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D. Pool/raceway enclosures	150,000
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Less federal	-112,500
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Net appropriation subparagraph D	\$ 37,500
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E. Water system — Berlin	100,000
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Less federal	-75,000
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Net appropriation subparagraph E	\$ 25,000
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Total state appropriation section 4	\$ 233,750
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5 Appropriation; Port Authority — Self Liquidating From Revenue. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Port of Portsmouth expansion	\$16,500,000
Total state appropriation section 5	\$16,500,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless: (1) the study committee established in 1991, 145, on the New Hampshire port authority submits its report which concludes that the Port of Portsmouth expansion is economically feasible, such that projected revenues exceed projected expenditures; and (2) an action plan, which shall include construction documents, prepared by the New Hampshire port authority shall be approved by the capital budget oversight committee, the fiscal committee and the governor and council. The action plan shall include the identification of sufficient revenue sources to amortize both the annual principal and interest payments.)

6 Appropriation; Postsecondary Technical Education — Police Standards and Training. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Range/tactical/dorm facility	\$ 4,960,000
Total state appropriation section 6	\$ 4,960,000

7 Increase Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$4,200,000] **\$5,700,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

8 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, 5, 6, and 7 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

9 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks

in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

10 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, 6, and 7 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$79,280,845 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

11 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in:

(a) Section 3 shall be made from the highway fund.

(b) Section 4 shall be made from the fish and game fund.

(c) Section 5 shall be made from the port authority revenues.

(d) Section 6 shall be made from the police standards and training council training fund.

(e) Section 7 shall be made from the dam maintenance fund.

12 Appropriation; Police Standards and Training Council Training Fund. The sum listed under section 1, paragraph VII, F, 1 of this act is hereby appropriated from the police standards and training council training fund to the department of postsecondary technical education. The governor is hereby authorized to draw his warrant therefor out of the appropriate fund.

13 Appropriation; Fish and Game Department. The sum listed under section 1, Paragraph X, B, 1 of this act as the fish and game fund share of the project is hereby appropriated from the fish and game fund to the department of transportation for underground tank removal and replacement statewide. The governor is hereby authorized to draw his warrant therefor out of the appropriate fund.

14 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

15 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5, 6, and 7 except the land conservation program in section 1, IV, A and such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.

16 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier-free code requirements and energy conservation code requirements.

17 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, 4, 5, 6, and 7 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 10 shall be reduced by the same amount.

18 Transfers. The individual project appropriations provided in sections 1, 3, 4, 5, 6, and 7 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget oversight committee is obtained.

19 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, 5, 6, and 7 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 10 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

20 Port Authority; Dredging. Amend 1987, 399:1, VII, as amended by 1989, 367:26, to read as follows:

VII. Port Authority

A. Dredging pier (N.W. end)	\$ 66,000
B. Dredging of Portsmouth Harbor and the Piscataqua River	18,700,000
Less federal	-14,000,000
Net appropriation paragraph B	4,700,000
Total state appropriation paragraph VII	\$ 4,766,000

(The appropriation for the water improvement project in paragraph VII, B shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1,000 feet [and]; widen by 100 feet the northern limit of the channel adjacent to Badgers Island[.]; **and widen the southern limit of the channel at the eastern end of Goat Island southeast of Henderson Point from 400 to 550 feet.** Section 21 of this act contains additional costs associated with this project.)

21 Port Authority Bonds and Notes. Amend 1985, 409:11, IV to read as follows:

IV. To provide funds for the purposes of section 7, the rehabilitation of Barker wharf, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$375,000 and for that purpose shall issue [revenue] bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the New Hampshire port authority revenues. Prior to issuance of the bonds or notes authorized hereunder, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$375,000.

22 Maturity of New Hampshire Technical Institute Bonds. Amend 1988, 164:2 to read as follows:

164:2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding \$3,467,000, and may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, except that, notwithstanding the provisions of RSA 6-A:2, such bonds shall have a maturity of **up to** 30 years from the date of issue.

23 Mason Library — Keene. 1989, 367:2, E is repealed and reenacted to read as follows:

E. Expansion, renovation, and rehabilitation of Mason Library
— Keene to include relocation of the Thorne-Sagendorf Art
Gallery \$ 1,770,000

24 Total State Appropriation Increased. Amend the total state appropriation of section 2 of 1989, 367:2 to read as follows:

Total state appropriation section 2 [\$13,300,000] **\$13,870,000**

25 Bonding Amount Increased. Amend 1989, 367:7 to read as follows:

367:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$38,046,322] **\$38,616,322** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

26 Discretionary Reporting of Capital Budget Overview Committee. Pursuant to RSA 17-J, the capital budget overview committee shall review all projects contained in this act and shall bring to the attention of governor and council any matters related thereto as it deems appropriate.

27 Lapse Dates Extended.

I. The appropriation made to the department of corrections in 1988, 224:1, I, A for phase V prison construction, as amended by 1989, 367:27, I is hereby extended to June 30, 1993. Authorization is hereby granted to expend the remaining funds of approximately \$2,000,000 to renovate Laconia developmental services buildings for use as a drug and alcohol treatment center and boot camp for approximately 300 minimum and medium security prison inmates and to renovate a facility for use by men and women as a halfway house. The authority to operate this facility as stated above shall terminate 7 years after the effective date of this section unless otherwise authorized by the legislature.

II. The following appropriations are hereby extended to June 30, 1992:

(a) The appropriation made to the supreme court in 1989, 367:1, XI, A, for construction of Concord district court.

(b) The appropriation made to the department of revenue administration in 1989, 367:1, X, A, for computer hardware and software development.

(c) The appropriation made to the department of resources and economic development in 1987, 3:1, as amended by 1989, 137:3, for Hampton beach seawall improvements.

(d) The appropriation made to Laconia developmental services in 1989, 367:1, V, B, 2 for replacement of steam lines.

(e) The appropriation made to the department of administrative services in 1989, 367:1, II, A — C, relative to Londergan hall renovations, repair of state house dome, and Spaulding hall renovations.

(f) The appropriation made to the department of resources and economic development in 1988, 224:1, IV, D, for Hampton harbor dredging.

(g) The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, for small watershed programs.

(h) The appropriation made to the university system of New Hampshire in 1989, 367:2, C-F, for academic buildings and Mason library renovations in Keene, design of biological lab and Dimond library shelving in Durham, and the cultural arts building in Plymouth.

(i) The appropriation made to the department of transportation in 1988, 152:1 for the additional hangar facilities at Skyhaven airport.

(j) The appropriations made to the aeronautics commission in 1981, 565:1, II as amended by 1983, 423:17, 1986, 211:18 and 1989, 367:27, II(j) for the Skyhaven airport and the Skyhaven audit fund.

(k) The appropriation made to the aeronautics commission in 1979, 435:1, III, E as amended by 1983, 423:16 and 1986, 211:14 for the Skyhaven airport.

(l) The appropriations made to the department of transportation in 1989, 367:1, XII, A, 1, 2, 3, and 4 for aeronautics projects.

(m) The appropriation made to the port authority in 1987, 399:1, VII, as amended by 1989, 367:26, for dredging pier and dredging of Portsmouth Harbor.

(n) The appropriation made to the department of safety in 1989, 367:3, I, B for the Hayes building.

(o) The appropriation to the department of health and human services in 1989, 367:1, V, D, 1 for asbestos abatement at Philbrook and YDC.

(p) The appropriation made to the department of postsecondary vocational-technical education in 1989, 367:1, VIII, A, 1 for the NHVTC-Manchester, Phase I rehabilitation of Knox building.

28 Effective Date. This act shall take effect July 1, 1991.

*Conferees on the Part
of the Senate*

Sen. Nelson, Dist. 13
Sen. Colantuono, Dist. 14
Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1
Rep. Marsh, Coos 1
Rep. Oliver, Coos 7
Rep. LaMott, Graf. 5

SENATOR NELSON: I would say this to the body. That Senator Colantuono, Senator Fraser, and Senator Shaheen and I worked from the Senate side along with Gene Chandler, and Beaton Marsh and we did the best that we could to accommodate both positions of the House and the Senate. There are some things in there that naturally some people didn't want and there are other things in there that other members wanted. We were able to get the figure down so that in the Capital Budget bill itself, the figure is well below that of which the Governor even requested himself. I really don't have a lot to say except to thank the Conferees for working hard on getting that done and we reached an agreement with the House early on as you know and I just hope that everybody can feel comfortable supporting it. If not, I will be very happy to answer any specific questions about anything in the Capital Budget committee.

SENATOR HOLLINGWORTH: Just briefly. Mary put it quite plainly. There are some things in this budget that some of us would rather not see there, that from my community is the liquor store on 95. It has been the position of this body not to have put it in there, but because of the other necessary things for the Capital Budget, I am inclined to say that we must support this Committee of Conference report on this. I disagree with the Governor as the need for another liquor store on I-95. The idea that we would be thinking that we can capture another million dollars in 1993 on this is purely a guesstimate. For \$5,000,000 to be making that expenditure seems to be inappropriate. I see no money set aside in the budget by the Governor to staff that liquor store either. So if he is going to increase the building of the liquor store, I think it is appropriate for him to be the one to move for more revenue in his budget for the staffing of that store. But with all that said and done, I will say that I will support this Capital Budget because of the necessity to do the things for the citizens of this state. It's unfortunate that the Governor, again, has used something very dear to the citizens of this state, the needs that they have, to use as a club over the heads over the rest of us, because he wants his way. I will support this Capital Budget, but I do so with great reluctance.

SENATOR NELSON: If you feel the need to make a remark. I believe that this body did pass the liquor store bill last session. I believe it was in the Governor's original proposal, but I would tell you this, it was one of the only revenue generating building projects in the Capital Budget and that was why there was some weight given to it, because it is a revenue generating piece expected to raise some money in this tough time and as time goes on to raise a lot of money. That was the argument that they presented. By the time that they left the House, the day the Liquor Commissioner got here, it made sense, given that we are in tough economic times. We didn't want to see, Senator Fraser fought hard about Laconia, as did Senator Hollingworth fight hard on this issue, but given the circumstances and the date, it's in the Capital Budget, but I would like to make it clear that Senator Fraser and Senator Hollingworth did work very hard to represent their districts.

Nelson moved concurrence of the Committee of Conference report.

Adopted.

HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 1-FN-A, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.

SUSPENSION OF THE RULES

RESOLUTION

Senator Delahunty moved that the rules of the Senate, be so far suspended to allow the introduction and referral of a bill after the deadline, the holding of a public hearing without the 5 days notice, and to ratify our action whereby we held a hearing before the bill was formally introduced and I further move to have the bill on second reading at the present time.

HB 1-FN-A, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.

Requires a 2/3 vote.

Adopted by the necessary 2/3 vote.

HB 1-FN-A, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.

SENATOR MCLANE: I love the name of this bill. The medicaid enhancement tax. It is money that we cannot afford to refuse. The money is going to amount to \$117,000,000 to balance the state budget. Thirty-five million in 1991, if we pass this bill today. Forty-one million in 1992 and it's hoped 41 million again in 1993. Thirty-one other states have taken advantage of this medicaid entitlement program. It is time that New Hampshire did as well. The plan is this, that the state impose a tax called the Medicaid enhancement tax on the 27 hospitals who currently participate in Medicaid in New Hampshire. The tax would be at 8 percent. The hospitals would pay the money to the state, the state would pay it right back again and would inform the federal government that it had paid the money to the hospitals and the federal government would match it. It sounds so simple, and it can be done. Fifty percent of the money would go back directly to the hospitals, the amount that they paid. And also 3 percent as an enhancement. That 3 percent would be issued to the hospitals based on the hospitals prorated medicaid utilization. It will be used by the hospitals to support services to medicaid and other low income patients. That would amount to about \$5,000,000. So with that amount of money we have bought the cooperation of the

hospitals. One percent of the money would be paid into the Health and Welfare Department to administer the medicaid enhancement program. The importance of the bill I think is obvious to all of us. Time is of the essence. The House waits and we should be ready to pass this bill as soon as possible. The money would be by electronic transfer. It would probably take about 15 minutes. The amount of interest would be negligible. The 1991 money will come in the middle of August and if we see that there might be some change in this program, it will be possible to change as quickly as we can and get the money while we can. Many people have said that this seems an unfair way of getting money. But I would point out that the states that have taken this money, this \$5,000,000,000 raid upon the federal treasury, that is about equal to the cost shift that has come from the feds to the state. For that reason, as well as many others, I would thoroughly recommend this bill to you. Doug Hall referred to it as a Medicaid bootstrapping and that is just about what it is except that it is a lot of money. It is important and it will, in some small measure help the hospitals and help the poor, but it will also mean that our budget can be passed in the next couple of days.

SENATOR BASS: Senator McLane, this is \$5,000,000 that the hospitals in their essence are attempting to extort from the state in return for processing something by electronic transfer. It's dedicated to be used to increase support services to Medicaid and other low income patients. What assurance do we have as policymakers that those funds are just not going to be funds that were rediverted from an existing program, that they are really going to do something substantive and additional to what they do now, to use these funds for good use rather than just taking them as a pay off having been willing to cooperate with the state in it's time of need?

SENATOR MCLANE: I think that probably the fact that for every Medicaid patient in a hospital now, the hospitals are losing 15 percent. That is their cost over what Medicaid reimburses. So the fact that our 27 hospitals are doing significant amounts now for the poor, the money will be returned in proportion to how much they do for the poor and it is our hope that that will provide an incentive for them to carry people where they now give free medical care. But perhaps with some reimbursement they would make that care more readily available. I guess the problem is that we cannot guarantee that that money goes into a direct stream to the poor. But the fact that more of it goes to the poor, I think, is probably the best guarantee, plus the trust of the hospitals.

SENATOR OLESON: Senator McLane, is it not a fact, that at one time, when we got our so-called nursing home off track, that the federal government paid 60 percent, the state 20, and the locals some 20?

SENATOR MCLANE: Yes.

SENATOR OLESON: Isn't it a fact, that the federals cut that back to 50 percent, and the locals had to pick up 31 percent, and the state 19? So might not it be that this isn't a free ride, but we might be getting some money back from the feds which they took away from us some years ago?

SENATOR MCLANE: Absolutely.

SENATOR HEATH: Senator McLane, didn't this body pass a resolution urging Congress to balance the budget?

SENATOR MCLANE: I can't remember. I don't think I voted for that one.

SENATOR HEATH: Which is it, you can't remember or you didn't vote for it?

SENATOR MCLANE: I'm not sure.

SENATOR HEATH: Senator McLane, what year is the taxation that is levied in this bill for?

SENATOR MCLANE: 1991, 1992, and 1993.

SENATOR HEATH: Hasn't 1991 begun already?

SENATOR MCLANE: Yes, but our fiscal year is not closed, and the bill is very carefully crafted so that the tax goes into effect on the 28th of June. It is assessed on the hospitals, and they will have until the 31st of August to make that first payment.

SENATOR HEATH: Is it your argument that this is not a retrospective law?

SENATOR MCLANE: I believe that most taxes are levied on a former year from the year that they're currently in. Our April taxes that we pay, income taxes, are the year before, and I believe that this is the same situation.

SENATOR HEATH: Levied, but not enacted.

SENATOR MCLANE: If you're asking is this a retroactive tax, I think that the answer is, that although the courts have not said so, that it is typical of other taxes that have been enacted and I believe is constitutional. We are already doing this for the New Hampshire hospitals. This would be the same sort of a tax.

SENATOR HEATH: What do you mean that we are doing this for the New Hampshire hospital? How is the tax for something, a tax?

SENATOR MCLANE: Well, I think that this is the unique part of this tax. You pay the tax. You get it all back, and you get 3 percent more. That is the sort of tax that any one of us would vote for.

SENATOR HEATH: Doesn't something ring with a dull thud about this whole deal, in your mind?

SENATOR MCLANE: I understand your point, but I think that Senator Oleson has a better point. That this is money that the state of New Hampshire has sent to Washington, and now finally it's coming home to us.

SENATOR W. KING: I rise in support of this bill. I do want to register a couple of concerns about the way that it is written. I think it would be foolish for any of us today to vote against this bill, given the fact that the alternative for all of us is that we would have to raise taxes on citizens in the state of New Hampshire as opposed to accessing federal dollars that as Senator Oleson has said, represent dollars that we have sent to Washington; However, I also think that it is important to be on the record, that I believe that the bill as written may be too liberally construed. By inferring that all hospitals in the state of New Hampshire have a disproportionate share of Medicaid patients, we may in fact, be setting ourselves up for rejection by Washington. I believe that it should have been written probably in a little more conservative manner and that we would have probably gotten a few less dollars. Ultimately, we would have had a better chance of getting it. Now the Health Care Finance Authority in Washington has interpreted these rules very liberally up until now. We all know that there has been a great deal of discussion about this in Washington and all over the country. It is possible that they will interpret them differently. The bill as it is written is indeed the most liberally construed bill of its sort of all the 30 states that currently do this. So while I support it and I think for many of us, we probably support it because there is no other alternative. I think that it is important to say that this is not guaranteed money.

SENATOR MCLANE: Senator King, the attorney for the New Hampshire Legal Assistance referred to the problem of disproportionate share of every hospital having, being classified as taking a disproportionate share as the Lake Wobegon Syndrome. I believe that in Lake Wobegon all the children are above average, and in this, all the hospitals in New Hampshire are below average. But isn't it true that all of the states surrounding us, Maine, Vermont, Massachusetts, have also used the same theory of methodology?

SENATOR W. KING: Senator McLane, that is true. All of the states surrounding us also have a higher percentage of Medicaid patients in them. By saying that every hospital in the state of New Hampshire is indeed a disproportionate share hospital, you are saying even those hospitals that have very, very, few medicaid patients are in fact, serving a disproportionate share of Medicaid patients. So in affect, what you are saying is, that we are calling anything above "0" patients, a disproportionate share of Medicaid patients. Now I do not believe that that is a legitimate concept. That is why when we originally, when the Senate Conferees originally came out with this proposal, it was considerably less dollars than what the Governor has been talking about. What we have actually acceded to in terms of putting the budget together. But the fact remains, that it is hard to justify. I think it is hard to justify on an application that you have a disproportionate share of Medicaid patients if you have almost none.

SENATOR DISNARD: Senator King, would you believe that many of us share your concerns. I assume that there are many others in this room, that since the Governor's recent appointment to that department, supports the Governor's figures, and the Governor supports those figures, perhaps that there may be some truth to those?

SENATOR W. KING: Well, Senator Disnard, I think that all of us are probably, well not all of us, there is a good number of us in here who are in a similar situation. Had we been putting a budget together and a tax package to reflect that budget, it would have been considerably different than what we ultimately had. There are those of us that believe that the tax system in New Hampshire is broken and it should be reformed. But we are dealing with realities. When dealing with realities, we find ourselves in a position where we have to make a judgment about the dollars that are coming in and as you said, the Governor and Commissioner Bird have both said that they believe that these dollars can be accessed. In order for us to put the budget together in a way that is going to build consensus between the legislature and the Executive branch, we have to take into account what they have advised us.

SENATOR NELSON: Senator McLane, I have heard a lot of buzzing around the area and people not trusting the fact that there would be money. I noticed in the paper that this is the same money that Massachusetts was talking about, and did they get the money, or will they get the money, or do they hope that they will get the money?

SENATOR MCLANE: Massachusetts has balanced their budget in very much the same fashion by receiving \$489,000,000 from the federal government. I guess the answer is yes.

SENATOR NELSON: They trust that the Government is going to give it to them?

SENATOR MCLANE: The reason that that money is available, is that Medicaid is an open ended entitlement. If you can prove that you have spent the money, you send it off to the hospital and the federal government will match it. You could borrow the money from the bank. You can get it from anywhere and you send it in and it's really in thanks I suppose, to Senator Gordon Humphrey and others who passed the Medicaid legislation in the federal government.

SENATOR NELSON: I was just wondering when you mentioned Massachusetts if the Governor of our state, and some of the remarks that you are making are telling us that we should follow the lead of Massachusetts and do something similar in this instance?

SENATOR MCLANE: And 29 other states.

SENATOR HUMPHREY: Senator McLane, 1 percent of the money paid into the fund is being reserved for the expense of administering the program. How is this 1 percent figured derived?

SENATOR MCLANE: It was less than any other state. Most states take 2 to 3 percent and I think that Dr. Bird and the people working with him have the copies from all the other states and they figured that 1 percent was a good conservative New Hampshire figure.

SENATOR HUMPHREY: Supposing it's less?

SENATOR MCLANE: I think that given the headaches that Dr. Bird has had in the last couple of weeks forming this legislation and the amount of time and staff time that it's taken to perfect this, and the fact that it is going to take certainly some administration, that 1 percent is probably a good reasonable figure.

SENATOR HUMPHREY: So it is an estimate. A round number estimate?

SENATOR MCLANE: Exactly.

SENATOR HUMPHREY: The taxes imposed for the hospitals fiscal year ending during the first calendar year preceeding the taxable period. Can we apply that to the taxable period ending June 30th this year?

SENATOR MCLANE: Yes, very definitely. The taxes imposed by the 28th for the calendar year ending June 31. But does not have to be paid until August 28, I believe, which gives them time to make the transfers.

SENATOR HUMPHREY: So that any hospital, effectively all hospitals, but in any respect, any hospital whose fiscal year ended between July 1, 1990 and June 30 of 1991 must pay this tax?

SENATOR MCLANE: Yes.

SENATOR HUMPHREY: So that a hospital whose fiscal year ended for example on December 31, 1990 will have to pay a tax on that fiscal year ending December 31, 1990?

SENATOR MCLANE: That is my assumption. Although I am not at all sure whether there was testimony that any hospitals don't have that sort of standard fiscal year.

SENATOR HUMPHREY: I suppose that they are on a calendar year. The fiscal years match the calendar year, don't they?

SENATOR MCLANE: Yes.

SENATOR SHAHEEN: I rise in support of passage of HB 1. I could not in good conscience vote against this funding and go back to the people in my district and say to them, I am going to raise your taxes because I didn't think that we should accept this money from the federal government. On the other hand, I would hope that we would all admit to ourselves that this really is a silver-bail-out. It's more of the shell game that we are playing with the state budget, because we aren't yet willing to face up to the fact that we have got a tax structure that doesn't work anymore. We are either going to have to decide whether we are going to, what role we are going to have state government play and whether it's going to continue to provide services to people, or whether we are going to be willing to cut it so that there isn't state government anymore. Whether we are going to be willing to fund it, and fortunately for us, this is another year where we don't have to go to the wall and face up to how we are going to deal with that question. I don't think that we are going to be able to do this very much longer. So given that, I am certainly going to vote for this. I think that it's important for New Hampshire to be able to get some of this money back. This is a legal loophole, and we ought to go along with it. But it's not going to ultimately solve the problems that we are facing.

SENATOR HUMPHREY: Mr. President, as I said this morning, I am going to vote in opposition to this bill. I am going to do so for two reasons. First of all, I think it's clearly unconstitutional, both with respect to the state Constitution and the federal Constitution which forbid ex post facto laws. Secondly, because it's a massive cop-out on our part with the tab to be picked up by our children and grandchildren in the form of a greater federal debt and higher debt service.

As to the first point, I think it was established in the question that I put to Senator McLane, that a hospital whose fiscal year ended December 31, 1990, will be taxed on that 1990 income. Now if that isn't ex post facto, I don't know what is. We are talking about a fiscal year that ended 6 months ago. You can argue about a fiscal year that ends on July 1. I mean that is at least a little bit arguable. I would still find that ex post facto taxation. But this for a company or a hospital that can be taxed for a fiscal year ended December 31, 1990 it seems to me as a clear expostfacto law, and clearly a violation of the Constitution. As to the other part, Mr. President, it being a cop-out, I think everyone agrees with that except it's such an expedient cop-out that it's hard to resist when your sister states are breaking into the store fronts and running off with the merchandise. It's kind of hard to resist doing the same thing. I would like to point out that as of just a few weeks ago, we all knew what the task was that faced us. We all knew what the enormity of the deficit and we were prepared somehow. We didn't really know how, but we were prepared somehow to deal with it. Instead, very conveniently, we have found a silver-bailout as some call it, a fraudulent scheme as others, a scam as others yet call it. But the bottom line is by shirking our obviously, very admittedly, very difficult responsibilities, we are going to stick this on the backs of our children and grandchildren. I mean there is nothing free here. We are increasing the federal deficit. We are going to increase the federal debt service burden on our economy and on our people. We were prepared to do without this just a few weeks ago. Most of us didn't even know about it. I think it began germinating a few weeks ago when the news trickled across the border from Massachusetts a state which some Senators would have us emulate. We were prepared to wrestle this thing to the ground somehow or another without this massive windfall and without cost shifting today's consumption onto the shoulders of our children and grandchildren. I think that we should continue to pursue that if it takes a continuing resolution and if it takes 2 more months of legislative toil, we should do that. Therefore, I oppose it, and I encourage my colleagues to do likewise.

SENATOR COLANTUONO: Senator Humphrey, would you believe that the way this tax actually works under sections 2 and 3 is that by taxing the revenues of a hospitals whose fiscal year ends during the first full calendar year preceeding the taxable period that we are going to be taxing 1989 receipts in this fiscal year? And that is fully 2 years retrospective?

SENATOR HUMPHREY: Yes. I thank the Senator for pointing that out. That makes it even worse, the case against it on Constitutional grounds even stronger. The incredible irony of all of this, is that we

are all so ill disciplined that even with this windfall, we are projecting a fiscal year 1992 deficit of \$26,000,000.

SENATOR COLANTUONO: Do you believe that in passing this that we would be violating our own oath under part 2 article 84 of the Constitution which is the very first act that we took in becoming Senators to act in accordance with the Constitution of the state of New Hampshire?

SENATOR HUMPHREY: Some would seem to hold that it's only the Supreme Court which is the arbiter of the Constitution. I agree with the Senator. That each of us has a duty to exercise our judgment in that respect, and not simply assume that everything is Constitutional, unless the Supreme Court finds it otherwise.

SENATOR COLANTUONO: Did you think ever in a million years that when you ran for the state Senate, that you would have an opportunity to make a vote to increase the federal budget deficit?

SENATOR HUMPHREY: I must say that there is a certain poetic justice in it. When you think about on whose shoulders it falls, the poetry is not that attractive.

SENATOR HEATH: I want to voice my opposition of this, at the same time agree with Senator Shaheen. This is a shell game, she is right. She is also right when she says that we have to pretty soon face the music and decide whether we are going to be in the service business. I don't think that it's a choice of no services at all versus all services as she seems to draw the perimeters. But I think that we have to decide on what level the state is going to participate in the lives of its citizens in helping them and how much it can afford. This money is never going to come to us. That is why it's a shell game. It is not only unconstitutional, but the federal government if we can enact taxes in years before we were elected and sworn in this term, the federal government can find a way to stop this leak. It has enough leaks with the banks and all of the other problems that are caused and tried to repair. This money will not come to us which means that we are piling up just as we do with the bonding. The problems that we face this session, we are piling them up onto the future, onto future legislators and onto future taxpayers. If it does come to us, Senator Humphrey is absolutely right. It comes back to April 15 when you send your check on that day to Washington. There isn't a free lunch here. We are pretending that we are doing something if we enact this that is going to revisit us in the worst form later. I would urge you to think this through one more time before you vote, and vote against it.

SENATOR HOLLINGWORTH: Senator Heath, you seem to be certain that the money is not going to be coming to us. My question to

you is, I listened with quite a great deal of care to what Commissioner Bird was saying and he seemed to be telling us and the House Ways and Means that it was pretty certain, and in fact, he was extremely confident that we would be receiving this money, because we had just received a signed contract from the feds on New Hampshire hospital, and in fact, because he had heard that 30 some odd states had recieved \$5,000,000,000 worth of this money. So I am asking you if you have some specific information that you can give to the rest of us that we aren't aware of that nobody else seems to have the advantage of. You must have a very good source that you can guarantee us that our other experts are not experts and you are?

SENATOR HEATH: I have two good sources. One was many, many, years ago my father told me that there was no such thing as a free lunch. It's been my experience that he was right. Two, the brilliant Dr. Bird didn't find this until after a housewife from Massachusetts working part time, found it and therefore, I do not place a great deal of reliance on his suggestion that we will get it. He didn't even find it to begin with, therefore, I have no belief that he is an expert in this field.

SENATOR MCLANE: Senator Heath, I don't know where your father used to take you to lunch, but I am sure it never cost \$117,000,000 and that is what we are talking about here. So my question to you is, if you're not going to vote for this bill, where are you going to cut the budget as we have asked over and over and over again to get 117 million? We are doing this instead of \$65,000,000 in bonding. Are you going to go back to bonding? Are you going to cut the over 50 million in revenue sharing to cities and towns? Are you going to cut out the University completely times which it would have to be?

SENATOR MCLANE: You're making some wonderful suggestions, but keep going.

SENATOR BLAISDELL: Senator Heath, did your brother go to the same woodshed that you went to? Because I received a letter a few weeks ago that said that he wanted an income tax in this state, on your stationery? I just wondered . . .

SENATOR HEATH: It wasn't on my stationery, it was on his stationery.

SENATOR BLAISDELL: Did your father talk to him the same way that he talked to you?

SENATOR HEATH: Yes, we went to different schools.

SENATOR ST. JEAN: After thinking about what is too good to be true. This 70 million up to \$114,000,000, I've come to the conclusion

we were told lots of things during the 80's that were too good to be true and you can't miss, some of which were bank stock, home appreciation, land that was going to be developed up north and make millions of dollars on it and 30 to 40 dollar John Sununu surplus. As the time played out those were certainties. I am not convinced that 70 to 100 plus million dollars that we are going to realize on this is actually there. So in good clear conscience, I can't vote for this supposed windfall, and I urge my colleagues to vote against it.

SENATOR J. KING: First of all I rise to correct Senator Humphrey. The first taxable period ends June 30, 1991 which will mean this year. It has nothing to do with 1989 fiscal year: 1991, 1992, 1993. I rise in support of this HB 1, first of all, if the statute is made and it seems to be an agreement that it isn't a statute, that you can take that money, and you can use that money, and the federal government has agreed to it. It could have been done a long time ago, but no one found it except the housewife down in Massachusetts. Thank god for the housewife in Massachusetts. I would imagine also, that the Governor in his wisdom and the Commissioner, have checked with the Attorney General's Office. The Governor and other people have attorneys that advise them what should be done and what shouldn't be done. I have been a strong supporter of revenue sharing as far as the state is concerned and any money that I can take from the state and send it back to the locals, I will do. I feel the same way about any money that goes to the federal government. If I can take some of it back and send it to the local, I am for it. That money comes from the locals to begin with, no matter whether it's state or whether it's federal. We can get that money back from them where it belongs, hopefully they will have less to spend with and they will have less projects up there. I support HB 1.

SENATOR COLANTUONO: I rise to clear up some confusion over the way that this bill works. I think it is apparent that not everyone understands what we are taxing here. The key language is on page 2 of the bill in 84-A:2 where it says that we are taxing the revenue of the hospitals for the hospital's fiscal year ending during the first full calendar year preceeding the taxable period. The first taxable period is the fiscal year ending on June 30 of this year. So from July 1 of 1990 to June 30 of 1991. Then you have to look at the first full calendar year preceeding that taxable year which obviously is 1989. So we are taxing revenues from hospitals which gained revenues in their fiscal years ending in 1989. We are reaching back a full 2 years, it is completely unconstitutional, everyone agrees with that. When you raised that question in the hearing yesterday, they said "don't worry no one is going to challenge it". That is not a way to pass legislation. It is the same theory that we used last week on Senator Bass' cam-

paign finance bill. Forget about the Constitution. Forget about our oaths. If we like it, pass it. Let someone challenge it later. Everyone figures that the feds will close the loophole before anyone has the chance to challenge it anyway. In the hearing yesterday, this bill was called a scam, a farce. We even had some Representatives testifying that they were going to support it and the minute that it passed that they were going to write to their Congressmen and women and ask that it be repealed. As Senator Humphrey pointed out, all we are doing here is borrowing from the federal bond buyers. In most cases now, the Japanese banks. We are increasing our own future taxes and as a federal taxpayer, I am not in favor of doing that. I think that it's a bad idea. Like Senator Humphrey, I never thought in a million years that when I ran for state Senate, that I would have an opportunity to pass a bill that increased the federal budget deficit. That is what has gotten us in trouble at the federal level. Just because the other states are doing it, I don't think that we should do it. New Hampshire has always had a proud independent tradition. We are talking about our parents and what they teach us. My parents always told me that two wrongs don't make a right and you should never do something just because the other kids in the class are doing it. I think that this is a terrible precedent to set. I am leery of passing a bill that everyone knows is unconstitutional and I would urge people to vote against this scam.

Senator Delahunty moved the question.

Adopted.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Heath.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Pressly, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Holingworth, Cohen.

The following Senators voted no: Heath, Colantuono, Humphrey, St. Jean.

Yeas: 20

Nays: 4

Adopted.

Senator McLane moved that HB 1 be Ordered to Third Reading and passed at the present time.

Ordered To Third Reading.

SENATOR HOUGH (Rule #44): I would only say that humility is not one of your strong points, so forget that. I will take the advantage under 44, because I intend to speak. I just want to make a few points

and they will be very brief. The question seems to be "what did Doctor Bird know and when did he know it"? I would tell you that if your memory would come into focus, that we were talking in this chamber in February with the supplemental budget of the concept of disproportionate share and we took advantage of that. If you were to ask Senator King, you would know that it was in the middle of April that he started working on a special project for the Senate. If you were to ask the Senate President, you would find out that he became aware not only that the state of Vermont under Governor Snelling was looking at this methodology, if you will, but yes, true, the other states, including the state of Maine have been working on this. I became aware of the attempt to bring this question into focus when I met with Doctor Bird in the month of November. I think maybe the one thing that was surprising to all of us when it all came into focus after the work that Senator King did, and the work that Doctor Bird and the agency did was the size of the magnitude of the value. But nonetheless, if you were working as most of the members of this Senate and the Conferees, specifically, once the initial revelation of our attempt to capture these dollars became known, even within hours the value shifted repeatedly. So enough said, but clearly we have been working on this since the first part of the year, It is no mystery. To assume that this is the chestnut that is pulling us out of the fire is good for debate, but Senator Shaheen clearly knows as Senator Blaisdell, McLane, King, and many of the others of us, that the people of the state of New Hampshire are slowly coming to recognize that the government has a legitimate purpose and right. We at the million population different than 500 thousand are now going to have to structure a delivery system that is different than the 19th century as we move into the 21st century.

SUSPENSION OF THE RULES

Senator Humphrey moved that the Rules of the Senate be suspended so that we can instruct the Clerk, to enroll the bills in block and dispense with the reading.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to HB 532-FN

Amend the bill by replacing section 5 with the following:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than

the fifth Tuesday before the day prescribed for an annual [or biennial] meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. Upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. **In no event shall a special town meeting be held on the biennial election day.**

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 560-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to bacteriological standards and reclassifying
certain waters and establishing a study committee
to examine the issue of recreational
mining in the state's rivers.

Amend section 6 of the bill by replacing line 2 with the following:
reclassifications contained in section 7 of this act are being adopted
in

Amend section 8 of the bill by replacing line 1 with the following:
8 Recreational Mining. Paragraph III of section 9 of HB 443-FN-A
of

Amend section 10 of the bill by replacing line 5 with the following:
9 of HB 443-FN-A. If HB 443-FN-A does not become law, section 8
of this

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 576-FN

Amend section 7 of the bill by replacing lines 2-3 with the following:

inserting after section 82 the following new section:

402:83 Applicability of Federal Law. No provisions of this title

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 581

Amend the title of the bill by replacing it with the following:

AN ACT

relative to enforcement of default judgments against tenants
and relative to personal property of tenants.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 595-FN

Amend the bill by inserting after section 2 the following and re-numbering section 3 to read as 4:

3 Contingency. If HB 523-FN of the 1991 legislative session becomes law, RSA 676:17-a as inserted by section 2 of this act shall be renumbered to read as RSA 676:17-b and the reference to RSA 676:17-a in RSA 502-A:11-a, III as inserted by section 1 of this act shall be changed to RSA 676:17-b.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 603-FN

Amend the title of the bill by replacing it with the following:

AN ACT

to establish a mandates task force to recommend
modification or repeal of those unfunded
mandates imposed upon municipalities
and school districts.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 607

Amend the title of the bill by replacing it with the following:

AN ACT

permitting actions for damages resulting from violations of
workers compensation laws by bidders on construction
contracts, relative to tort immunity for
self-insured pools and increasing the
size of the compensation
appeals board.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 633-FN

Amend the bill by replacing section 1 and 2 with the following:

1 Fees Received from Local Land Use Board. Amend RSA 41:29
to read as follows:

41:29 Duties.

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, **or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent.**

II. He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus.

III. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen state-

ments from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested.

IV. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

2 Fees Received from Local Land Use Board. Amend RSA 48:16 to read as follows:

48:16 City Treasurer; Duties.

I. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.

II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or

in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent.

Amend the bill by replacing section 6 with the following:

6 Town Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 41:29 is repealed and reenacted to read as follows:

41:29 Duties.

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent.

II. He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus.

III. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested.

IV. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

V. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

7 City Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 48:16 is repealed and reenacted to read as follows:

48:16 City Treasurer; Duties.

I. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.

II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of

the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent.

V. Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

8 Contingency. If SB 83 becomes law, sections 6 and 7 of this act shall take effect 60 days after its passage, and sections 1 and 2 of this act shall not take effect. If SB 83 does not become law, sections 1 and 2 of this act shall take effect 60 days after its passage, and sections 6 and 7 of this act shall not take effect.

9 Effective Date.

I. Section 1, 2, 6, and 7 shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 709-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee relative to clearcutting
forest resources, extending the effective date for
rulemaking by the board of licensing for
foresters, and relative to notices
of intent to cut.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 745-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sewage disposal systems and continually
appropriating the sewage disposal system fund.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 780-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to water treatment plant operators and fees
for water system permits and continually
appropriating a special fund to the
division of water supply and
pollution control.

Senator Humphrey moved adoption.

Adopted.

Enrolled Bill Amendment to HB 784-FN

Amend section 2 of the bill by replacing line 10 with the following:
factors and by compiling past, current and future traffic statistics on
each state

Senator Humphrey moved adoption.

Adopted.

COMMITTEE OF CONFERENCE REPORTS

The House of Representatives has adopted the recommendation of
the Committee of Conference to which was referred the following
entitled bill:

HB 35-A, an act making appropriations for capital improvements.

HB 509, an act clarifying the definition of public benefit relative to
permitting solid waste facilities.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly
Enrolled the following entitled House Bill:

HB 1, relative to a medicaid enhancement tax, creating a medicaid
enhancement fund and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bills:

HB 352, relative to the oil discharge and disposal cleanup fund.

HB 286, relative to the operation of powerboats on Long Pond in the town of Northwood.

HB 328, relative to the new Manchester district court facility and making an appropriation therefor.

HB 619, relative to central business districts and the community development finance authority.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to SB 83

Amend sections 1-7 of the bill by replacing them with the following:

1 Duties of County Treasurer. Amend RSA 29:1 to read as follows:
29:1 Duties. The county treasurer shall have custody of all moneys belonging to the county, and shall pay out the same only upon orders of the commissioners. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The county treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the county treasury, and of all notes given by the county, with the particulars thereof. At the close of each fiscal year, he shall make a report to the county, giving a particular account of all his financial transactions during the year. He shall furnish to the commissioners statements from his books, and submit his books and vouchers to them and to the county auditors for examination, when-

ever so requested. Whenever the county treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the commissioners, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

2 County Treasurer; Excess Funds. Amend RSA 29:3 to read as follows:

29:3 Excess Funds. Whenever the county treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure he may, with the approval of the county commissioners and county executive committee, invest the same in short-term obligations of the United States or in participation units in the public deposit investment pool established pursuant to RSA 383:22, upon such terms as shall be approved by the county commissioners. **Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

3 Investment; Capital Reserve Fund for Cities. Amend RSA 34:5 to read as follows:

34:5 Investment. The moneys in such fund shall be kept in a separate account and not intermingled with the other funds of the city. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state

or in bonds, notes or other obligations of the United States government, in bonds or notes of this state, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, and when so invested in good faith the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city, and it shall appear upon the book thereof that the same is a capital reserve fund. **Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

4 Investment; Capital Reserve Fund; Counties; Towns; Districts. Amend RSA 35:9 to read as follows:

35:9 Investment. The moneys in each such fund shall be kept in a separate account and not intermingled with other funds of said municipality. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state, or in bonds, notes or other obligations of the United States government, or in bonds or notes of this state, or in participation units in the public deposit investment pool established pursuant to RSA 383:22. When so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the town, district or county which holds the same as a reserve, and it shall appear upon the books thereof that the same is a capital reserve fund. **Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

5 Town Treasurer; Duties. Amend RSA 41:29 to read as follows:

41:29 Duties. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission. He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

6 City Treasurer; Duties. Amend RSA 48:16 to read as follows:

48:16 City Treasurer; Duties. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

7 School Districts; Treasurer's Duties. Amend RSA 197:23-a to read as follows:

197:23-a Treasurer's Duties. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the district treasury, and of all notes given by the district, with the particulars thereof. At the close of each fiscal year, he shall make a report to the district, giving a particular account of all his financial transactions during the year. He shall furnish to the school board statements from his books, and submit his books and vouchers to them and to the auditors for examination, whenever so requested. Whenever the treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the school board, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

Amend the bill by replacing section 9 with the following:

9 Town Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 41:29 is repealed and reenacted to read as follows:

41:29 Duties.

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent.

II. He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus.

III. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested.

IV. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

V. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

10 City Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 48:16 is repealed and reenacted to read as follows:

48:16 City Treasurer; Duties.

I. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.

II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent.

V. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds.

Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

11 Contingency. If HB 633-FN becomes law, sections 9 and 10 of this act shall take effect 60 days after its passage, and sections 5 and 6 of this act shall not take effect. If HB 633-FN does not become law, sections 5 and 6 of this act shall take effect 60 days after its passage, and sections 9 and 10 of this act shall not take effect.

12 Effective Date.

I. Sections 5, 6, 9, and 10 shall take effect as provided in section 11 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to SB 180-FN

Amend the bill by inserting after section 4 the following and renumbering the original sections 5 and 6 to read as 9 and 10:

5 Hearing Procedure on Abatement of Taxes. Amend RSA 76:16 to read as follows:

76:16 By Selectmen or Assessors.

I. Selectmen or assessors, for good cause shown, may abate any tax assessed by them or by their predecessors. Any person aggrieved by the assessment of a tax and who has complied with the requirements of RSA 74, may, within [60 days] **2 months** after notice of the tax, and not afterwards, apply in writing to the selectmen or assessors for an abatement of the tax. **"Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.**

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and grant or deny the application in writing within 6 months after notice of such tax, and failure to do so shall constitute a denial, except that in the year following a property revaluation, municipalities having 9,000 or more parcels shall have an additional 2 months to respond to appeals. "Notice of such tax" is defined in RSA 76:16-a, I.

6 Information Required in Appeal Following Failure to Abate Taxes. Amend RSA 76:16-a, I to read as follows:

I. After the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$40 filing fee, may, within 8 months after notice of such tax, and not afterwards, apply

in writing to the board of tax and land appeals which, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. Property owners who have appealed a tax assessment to the board of tax and land appeals and who receive a tax bill for a subsequent year prior to the time the board of tax and land appeals has acted on the original appeal shall be automatically considered as having appealed the subsequent bill and no further filing fee shall be required. "Notice of such tax" means the date the [department of revenue administration] **board of tax and land appeals** determines to be the last date of mailing of **the final tax [bills] bill** by the taxing district. The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.

7 Contingency. Sections 5 and 6 of this act shall take effect April 1, 1992, if HB 652-FN becomes law. If HB 652-FN does not become law, sections 5 and 6 shall not take effect.

8 Provisions Contingently Voided. If HB 652-FN becomes law, sections 10 and 11 of HB 652-FN shall not take effect.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. Sections 5 and 6 shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect upon its passage.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to SB 195-FN

Amend the bill by replacing section 31 with the following:

31 Filing Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions required under RSA 655:22 made by members of the party, together with one written assent to candidacy. **If a person is required to file primary petitions under the provisions of this paragraph, the primary petitions which he files shall contain the following language in bold print at the top of each peti-**

tion in addition to the language required in RSA 655:21: "This candidate has reserved his or her rights under the federal constitution and New Hampshire laws and may choose not to agree to limit campaign spending according to amounts set by state law and as a result may be required to submit these petitions." Primary petitions filed under this section shall be filed in addition to the requirement for filing petitions under RSA 655:19-c.

32 Provision Voided. 1991, 218:2 shall not take effect.

33 Effective Date.

I. Section 31 of this act shall take effect August 9, 1991.

II. The remainder of this act shall take effect upon its passage.

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to SB 206-FN

Amend RSA 178:20, V(e)(1)(A) as inserted by section 1 of the bill by replacing it with the following:

(1)(A) The commission may issue a cocktail lounge license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 100 persons or more. Such license shall allow the licensee to serve liquor and beverages with or without meals to members of a private party in any room of such on-site catering facility designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where beverages and liquor are served without a parent or guardian present. Such lounge license may allow the licensee to serve liquor and beverages on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of \$100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. Notwithstanding any other provision of law, a caterer, with the approval of the commission, may subcontract for the cooking, preparing or serving of food pursuant to the caterer's liquor license. The commission shall adopt rules in accordance with RSA 541-A to carry out the provisions of this subparagraph. New premises or locations shall be approved by the commission 10 days before the scheduled events.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titled be the same as adopted, and that they be passed at the present time.

Adopted.

RESOLUTION

Senator Delahunty moved that the business of the day being completed, the Senate recess for the purpose of House Messages and Enrolled Bills reports, and when we adjourn we adjourn to the Call of the Chair.

Adopted.

Senator Currier moved that we recess to the Call of the Chair.

Adopted.

LATE SESSION

HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles.

HB 1-FN-A, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.

Senator Currier moved that we recess.

Adopted.

Recess.

Explanation to Enrolled Bill Amendment to SB 42-FN

This amendment deletes a section of bill which duplicates the substance of another section of the bill.

Enrolled Bill Amendment to SB 42-FN

Amend the bill by deleting section 14 and renumbering sections 15-21 to read as 14-20, respectively.

Senator Currier moved adoption.

Adopted.

Senator Currier moved that we Adjourn to the Call of the Chair.

Adopted.

Adjournment.

June 26, 1991

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, right now I do not know what is going on. I hope that we do the best that we can for all with the budget. May we set our sights high. Bless us Lord. *Amen.*

Senator Shaheen led the Pledge of Allegiance.

INTRODUCTIONS

Recess.

Senator Delahunt in the Chair.

HOUSE MESSAGES

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 35-FN-A, making appropriations for capital improvements.

VETO MESSAGE

SUSPENSION OF THE RULES

Senator Delahunt moved to dispense with the reading of the Veto Message.

Adopted.

To The Honorable Members of the General Court:

I have this day vetoed SB 140-FN, an act establishing a Committee to study rate setting for certain services, placements and programs.

SB 140-FN represents a clear conflict of interest. It requires that a report on rate setting be prepared by the very providers who benefit from the rates set. It amounts to the granting of provider group advocates the opportunity to develop their own check writing plan only on the State's checking account. The taxpayers can hardly afford such a potentially expensive and unnecessary exercise.

Rate setting activities and responsibilities are currently being handled within the Departments of Education and Health and Human Services and this legislation will not facilitate or improve the current process. Both Departments have promulgated rules which

have been approved by the Joint Legislative Committee on Administrative Rules, establishing the procedure for setting provider rates. Such rates must, in order to qualify for Federal Reimbursement, comply with a myriad of federal rules and regulations which substantially limit the areas open to negotiation. Thus, a committee whose makeup is heavily weighed in favor of service providers' interests would not be in the State's best interests. The State is currently working with providers to review the rate setting rules and modify them where possible to ensure that the State's limited resources are applied in the most cost effective manner consistent with the best interests of the clients being served.

We cannot afford, especially during these lean budgetary times, to be creating reports which have the potential of putting the fox in charge of the chicken coop. It is for these reasons that I do not feel that it is necessary or in the best interests of the State of New Hampshire that SB 140-FN become law.

Judd Gregg
GOVERNOR

SENATOR HOLLINGWORTH: I was planning to come in here today to speak on 140 with some force, but I have been a little busy the last few days and unfortunately, I haven't a prepared speech. I have further found out that the votes are not there for an override. But I feel compelled to tell you that I am very disappointed that what I think is a cost saver for the state will not even be considered. Because what we are discussing in 140, is a study to look at rate setting in the state of New Hampshire. At present, it is a disaster. Everyone that I have spoken to in the industry and outside of the industry, have said that the state is spending a considerable amount of money that is not necessary. It was the hope that this bill would look at the problem. It appears that because the Governor didn't like the makeup of the study committee, he is not interested in having the study committee go forward. Now I am aware that the Governor does know the process. I am aware that he does know that he can send someone to speak from the office, at any time during that process, and to go to the Committee of Conferees during that process and say that he has a problem with the people who are sitting on that study committee. He chose not to do that. He chose instead, to wait till the bitter end and then object. It infuriates me that we who have worked extremely hard over this year to save a dollar, a dime or whatever it was, are now being denied the ability to continue that process and I would ask you to consider that. I am not going to ask you to override, because as I said before, I know we do not have the votes, but I do feel that next year this area must be revisited. We

must not allow those people who cost the state money to continue this practice. What presently happens is that someone who does the best for the state, who saves us money is penalized. I would ask you to consider that when you see this before next term.

SENATOR BLAISDELL: This is my bill and to give you just a little history of it, I put in the bill after listening to the same people that Senator Hollingworth spoke of to have a real hard look at it. In fact, I put in a bill to do away with rate-setting. It really wasn't my intent. I just felt that when the bill got to Senator Podles committee, that in her wisdom and judgment, she would do something that would at least get us on the right course, which she did. Through Senator Podles coming to me, she put in a bill that said it would be a study of the rate-setting in this state. The testimony from the Department of Education was needed desperately. Thanks to Senator Podles this agreement was reached. I had nothing to do with who the makeup of the committee was, and if that is the Governor's objection then I am awful sorry. I will have to admit to you that the Governor did call me and explain his reasons and to tell me that people from the Department of Health and Human Services have gone to all of these providers, and sat down with them and to see if they could improve upon it. They are starting the process that the study committee would have done. I have no objections to the study committee, because I feel truthfully, that the Legislature should be involved. But if we want to take the Governor's word that this is being done, then certainly, I will not press for any kind of a roll call or any kind of an override. If it's done, fine. If it's not, I can assure you that Senator Hollingworth and I in November, will be back to put the same bill in. I think that you should do what you like. I am not going to press for an override, you do what you like.

SENATOR PODLES: It's unfortunate that SB 140 was killed. When that bill came into Health and Human Services, I really wanted to salvage the bill, because it was going to be killed. I felt that we should study it in order to find out a lot of things. I was very careful. I sought information from other departments on the composition of the committee, and I was very careful of who was on the committee. I wish that I had known sooner. I would have been very glad to change, and include other people than somebody who would be as the Governor said "a conflict of interest". I would hope that we would do this the next time around. I am going to work very hard to have this rate-setting study, because I feel that it is very important.

SENATOR W. KING: Senator Podles, in the work that you did, did you find that there were many instances where those organizations

who were charging a higher rate were favored by the rate setting structure over those who were able to provide the service for less money?

SENATOR PODLES: I don't know about that, Senator. We didn't go that far. We did have a lot of input from outsiders. They didn't seem to agree, this is why I recommended that we have a study committee for all of these people, from all sides, to come in and to tell us about it, and to get a lot more information.

SENATOR J. KING: That bill came before my committee. It came out of the committee 5 to 0 to pass. It passed this body. It passed the House, and it was Vetoed by the Governor. I personally intend to vote to oppose the Governor's Veto.

SENATOR NELSON: I rise because I am going to support the Governor's Veto and I wanted my colleagues to know why. As a member of Administrative Rules who sat there during the sessions, when in fact, as the Governor's letter does state, that there were promulgated rules by the Joint Legislative committee. Having worked with the constituency out of Nashua and around the state who supported it, and also, having looked at the committee makeup, understanding that at this time that we cannot amend it. There is no public member on that bill. I think that that is a mistake. There are some people on that committee who should either not be there or others that should be added. So based on those situations, because right now there are rules that have been promulgated, I am going to sustain the Governor's Veto.

A required 2/3 vote or 16 members to over ride the Veto.

A Roll Call vote is required.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Currier, Disnard, Blaisdell, Bass, McLane, J. King, Russman, Cohen.

The following Senators voted no: Heath, Dupont, Roberge, Pressly, Nelson, Colantuono, Podles, Humphrey, St. Jean, Shaheen, Delahunty, Hollingworth.

Yeas: 12

Nays: 12

Veto Sustained.

INTRODUCTION OF HOUSE BILLS

Senator McLane Resolved that in accordance with the list in the possession of the Clerk, House Bill numbered 40 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

First and Second Reading and Referral

HB 40-FN, relative to certain state taxes and making an appropriation therefor.

Adopted.

SUSPENSION OF THE RULES

Senator McLane moved that the Rules of the Senate be suspended to dispense with the holding of a hearing, the notice of a committee report in the calendar, and that the bill be put on Second Reading at the present time.

Adopted.

HB 40-FN, relative to certain state taxes and making an appropriation therefor.

SENATOR HOLLINGWORTH: Senator McLane, the bill that we have has been amended by the Senate, is that not correct?

SENATOR MCLANE: Yes.

SENATOR HOLLINGWORTH: And what do we have, I have the House . . .

SENATOR DELAHUNTY: The bill has not been introduced into the Senate, so the bill has not been amended by the Senate.

SENATOR MCLANE: I guess I could explain it very easily. This is a tax that we passed before in the Senate. It went over to the House and the House felt that it was their Constitutional prerogative to be the tax initiating body. I disagree with them, but I don't think that we want to go to the Supreme Court and test it out. So what they did was, put the estate and legacy tax which we raised from 15 to 18 percent on a bill that was sitting over in the House, and they are sending it back over to us to reaffirm what we did to balance the budget many weeks ago. They did have a public hearing in the Senate. The public was invited to that public hearing. As it turned out, I was the only speaker at the public hearing. Then they passed it unanimously in their Ways and Means committee and are really sending it back to us. It has 2 amendments which are minor, which I will explain.

SENATOR HOLLINGWORTH: My question to you, Senator McLane, does this bill contain a poll tax that we see here on the bill?

SENATOR MCLANE: No. That is the amended analysis that has not been amended. Don't worry.

SENATOR HOLLINGWORTH: Could you go over what we will be voting on and precisely what is contained in this bill?

SENATOR MCLANE: The bill contains the Estate and Legacy increase from 15 to 18 percent. It does not contain the poll tax as in the amended analysis. But, it also puts the communications tax, which is the telephone tax, 3 percent with the 3 percent surcharge at your request. It also has a section in there that will be an amendment, about when the telephone tax goes into effect and at the request of the telephone company so that they can bill regularly.

SENATOR HEATH: I rise in opposition to suspending the rules. It wasn't that long ago that you people insisted that on some fairly minor changes on the moose hunt that we have a hearing. My committee went back and had a hearing which was greatly unattended by members of this body. Now we have a tax bill and in spite of the promotion that's just been given to it, has some important changes, and we are not going to let the public in on this because part of the motion suspends the hearing. I would urge you in the strongest terms, not to suspend the rules and do this kind of business behind the peoples back. Thank you.

SENATOR MCLANE: I rise in strong opposition to the argument as presented by Senator Heath. We did have a joint public hearing. We have argued this bill and we have passed this bill. I would say that, I would like to repeat the argument that I used in Ways and Means. This is a really fair tax. This taxes people who have received money, and takes 18 percent of it instead of 15 percent. It is a fair tax. We have passed both of these, we have argued both of these. I think it is very clear that it is the mechanics of it coming back on another bill to satisfy this constitutional figment of the House's imagination. That is the reason why we are suspending the rules to suspend the public hearing. We have had a public hearing on the issue, but not on number 40.

SENATOR COLANTUONO: Senator McLane, I appreciate your argument about the Legacy Tax, but this also has an increase in the Communication Tax. Could you relate the procedural posture of that because I don't believe that we passed a 6 percent tax which is what this is? I would like to answer Senator Heath's point. Senator Heath's point was we haven't had a public hearing, and we have in fact had one on the Legacy, but we haven't had one on the increase from 5 to 6 percent on the phone tax.

SENATOR MCLANE: I guess I'll explain it this way. That we did have probably the most unpleasant hearing that Kathy Varaco has ever been to on the question of the tax on Telephone Property. We

passed that tax in this body counting it as \$24,000,000, sent it over and enabled Senator Blaisdell and others to balance the budget. In that process, instead of the tax on property, we did as the House had done. This is a compromise with the House and it's probably happier and fairer for everyone to go up to 6 percent on the all over Communications Tax, rather than, I think, that perhaps you're being sticklers for form here. We did have a public hearing on the issue of the Property Tax and the House had a public hearing on this issue. It is part of the budget package. There is no doubt in my mind that the Senate is getting a better deal than the one that they passed before, and the telephone company is as well.

SENATOR HEATH: Senator McLane, how can you suggest to me that I am being a stickler for form when the bill that this body insisted having a public hearing was one that increased the moose kill by 25 and this produces a new tax?

SENATOR MCLANE: This does not produce a new tax. It is a change in percentage of a tax that we have had in affect for a good while and I guess I just don't see it as the same issue.

SENATOR HEATH: Senator McLane, do you believe that if the public knew what was going on with this motion that they would want a hearing on this?

SENATOR MCLANE: I bet you that there would be one person there and it would be Kathy Vacaro and she would stand up and say, thank you. That would be the public hearing.

SENATOR HEATH: But if a poll were taken, do you believe that the public would vote in having a hearing on this or against it?

SENATOR MCLANE: The hour is late. The issue is clear to me and the ticking clock before July 31. It's late, is what I am saying. I think that the rest of us are ready to go, this is a fair, good tax.

Senator Currier has moved the question.

Adopted.

Recess.

Out of recess.

A 2/3 vote is required.

A Roll Call was requested by Senator Heath.

Seconded by Senator Colantuono.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Nelson, McLane, Podles, J. King, Russman, St. Jean, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Colantuono, Humphrey.

Yeas: 20

Nays: 3

Suspension of the Rules is Adopted.

Senator Pressly not voting, excused for the day.

SENATOR MCLANE: I think that the floor amendment will be important to the discussion of HB 40. It has the section, the first part, 3 of the amendment, and I am speaking to amendment 3424L. It has the timing so that the Communications Tax in the second section isn't going to come until your August bill even though the tax starts in July. So that is at the request of the telephone company itself. We have deleted section 2 which confused us all, which is the Poll Tax on Business. That is not a part of it, not a part of the amended analysis. What it simply does, I repeat, the estate and legacy tax is a tax that by definition you can pay because you are getting some money to pay for it. It meets the criteria of ability to pay. It applies to your rich uncle and doesn't apply to your mother or to your son. It is lineal descents and it was a tax that we had passed to balance our budget. The two-way Communications Tax. It applies to brother and sister, in answer to your question, Senator Podles, but not to the house that they live in if they have lived in the house together and wish to pass it one to another. The second tax is the Telephone Tax. We passed a Property Tax in this body for the tune of 24 million. This would be 9 million for the biennium. I think the telephone company is glad to take that hit instead of the Property Tax. It also has a \$12 exemption so that your basic phone rent is exempted, which means that the little old lady who is going to call her doctor, doesn't pay the tax. It's when she calls her nephew in Colorado that she starts paying the tax.

SENATOR HEATH: Senator McLane, twice in your short speech, on this new tax proposal, you mentioned that you have gotten the approval of the telephone company, once on the August billing and on something else that they approved of. You are the person that made the motion to suspend the hearing. Why is it that you would allow such a courtesy to the telephone company that you wouldn't allow with the public to get a look at this?

SENATOR MCLANE: We did have a public hearing on the issue of taxing property, which was \$24,000,000. We had the public hearing. We obviously went against the sentiments of the public hearing, which were principally people from the telephone company that didn't like the tax. It has gone into a Committee of Conference. It is basic to the passage of the budget that we pass this tax and it is a saving for the telephone company of the difference between 24 mil-

lion and 9 million. It's sort of saying to them, we are going to give you some medicine, now you pick whether it has candy in it or not. I mean, they are not saying they are happy with it. They are saying that they will accept it over the other alternative, about which we did have a public hearing.

SENATOR HEATH: I guess my question is not further evidence that the telephone company has been consulted, but why if you would consult the company, you wouldn't consult in the form of a hearing, the people who pay the tax through their bills, the general public that we legibly represent in this body?

SENATOR MCLANE: The House had a public hearing on this issue. It is part of the budget. It is a happier solution than others which have already passed this body and it is necessary to the budget to have it.

PRESIDENT DUPONT: I guess I have a couple of things I would like to add on this and I will be very brief. Obviously, when we passed the Senate budget a while back, there were some things in that budget including the Telephone Property Tax that many of us found distasteful. As we have gone through this process of compromise with the House, and you can call it whatever you want, but ultimately, politics is the art of compromise. We have been able to do some things as a result of a very rapidly changing situation. This is one piece of a package that we will be bringing before this body that attempts to rectify the financial problems that the state of New Hampshire faces. This reflects the Senate's concern that at the end of this biennium, with the help of God, things will be better in the state of New Hampshire and this will go back to its original rate of 3 percent. I recognize that it's perhaps distasteful to some, but unfortunately, as we have all talked about being responsible, and trying to develop solutions to problems that face us, this is one of those. It is part of the package that makes this budget balanced during the next biennium. As we go through the day and move through this process, I am sure that there will be no one that will reflect back on today as an enjoyable day. I think that we can all take some great pride in having moved this process to the point where we can go home for the summer with a solution that works. So I would urge my colleagues to support this so that we can get on with the business that faces this body this afternoon.

SENATOR HOLLINGWORTH: I would just like to talk briefly. I sat in on the discussions somewhat on this because it came before Ways and Means and we were hopeful that the 3 percent permanent and the Surcharge Tax temporary, would be the way that we would come out of that and this is the way that the Ways and Means Con-

ferrees agreed. I think that this is not a real burden on the communities, because it will be repealed in 1993, this surtax. I think that is important that we were able to achieve that. I think that even though we are placed in a situation where we are increasing a tax, we are only making it a temporary tax. I wish that we wouldn't even have to do that, but unfortunately, we are placed in that situation. I want it to be clear that when it says 100 percent as you see in the amendment, that is 3 and 3 which makes it 100 percent, and there is a repealing in 1993, June 30. So I want that to be clear with everyone here that that is what this bill will do.

Recess.

Out of recess.

SENATOR HOLLINGWORTH: I called for a recess because when I looked at the bill, I saw that section 1 and 3 were going to be made to pass on passage and that concerned me because we had wanted to allow time for the telephone company to implement this. But then I looked at the bottom of the page and realized that what was going to happen when Gloria got ahold of this, that she would be renumbering section 3 and 5 to read as 2 and 4. So my problems have been corrected and I am sorry for giving everyone that scare. The process has gotten so difficult that I have started to see things in front of my eyes that aren't there and when they are there in front of my eyes, I don't see them. But I would like to say that I wish that we did not have to pass any new taxes just like the rest of you, any increased taxes. I am sure that Kathy, when Senator McLane was talking up there and said that she would probably come and testify before us and say thank you. Well I am inclined to say I don't think that is true, unless of course, somebody threatens to hit you once and you say thank you, because you didn't hit me twice. But I think that the point is that we are in a situation where we have deliberated long and hard over a budget and we now have a balanced budget. There are one or two increases and the one or two increases happen to be this bill, HB 40. It is an increase in the Telephone Tax and an increase in the State Legacy. I think that we have done well. If you look back over all the taxes that we would have been increasing, had we been given the Governor's proposal we would have had a Poll Tax, we would have had increased of BPT tax, we would have had, I think, about 10 new taxes and we have done I think, by coming out of this with only this slight increase, and the surtax only being a temporary one that will be repealed on June 30 of 1993. I hope that you can support this legislation.

SENATOR HEATH: Senator Hollingworth, you may have, I just sketched down a quote of yours that you just made, and you may have answered my question. So I guess my question is, is this the,

let me give you the answer first. When there are things in front of my eyes I don't see them. The question is, you expressed several times, optimism about this surcharge being temporary, yet I know that you are bright, that you have a good memory, that you had a lot of service in the House as well as the Senate. Like myself, have experienced the continued repeal of temporary into permanent and the complete breaking of promises that we make one session and the next, as we have already broken promises in this session as many as we have made for next session. Where does your optimism come from or is this your answer that when things are in front of my eyes I don't see them?

SENATOR HOLLINGWORTH: Senator Heath, I thank you for reminding me of my statement. I guess what I need to say to you is, I know what is in front of my eyes and I do see it as a tax. I do know our history for not reducing taxes. I in fact, spoke long and hard about that sometime this session and over the past years. I hate to see any taxes going in. But unfortunately, we do have to continue to provide services. We find that we have a budget that is before us that I think does what this Senate wants to do, not increase the burden on business.

SENATOR HEATH: I think that I could save you some trouble. My question isn't about the merits of the taxes, although I've questions about that. My question is, where springs your optimism that this is temporary, this surcharge from past experience. Where do you find that optimistic view?

SENATOR HOLLINGWORTH: I believe that we have reduced it already. If we had passed what the House had wanted to pass us, which was a 4 — 2 we would have been stuck with an in place 4 percent tax on the telephone companies and a 2 percent tax. I think by making it a 3 — 3, there is more chance that it will be repealed at least at the 3 — 3. But again, I can only say to you, I will try to find other means of revenue. We have a committee that is going to look at our tax package and determine how we tax in this state. Perhaps when that study comes back before us, we can come up with a better way of taxation. But I did not say that I had all the answers. I have opposed what's happened over the years. We in the Senate are faced with, when squid is passed to us we have to eat squid, and the House only passed us squid, they did not give us any other choices in taxation. What we in the Senate can only have the bills and the taxes that come to us, either those that are now in place or the ones that they choose to pass to us. We unfortunately, must accept those and do the best that we can with them. We made calamary out of this, and I guess that is the best that we can do.

SENATOR HEATH: Senator Hollingworth, having stole my calamary remark, we are always promoting seafoods in New Hampshire. I wonder, do you pledge then, that you will work for working against any attempt to make this surcharge permanent and against any attempt to repeal the temporariness of this?

SENATOR HOLLINGWORTH: Yes, I will. I have in the past. I think that I have worked hard in the past not to increase any burdens on the people of the state. I think that is why I have sponsored the legislation I did this year, to look at our tax structure and to try and find a fair mechanism in which we derive our income to this state.

Senator Dupont moved the question.

Adopted.

Senator McLane offered a floor amendment.

Floor Amendment to HB 40-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certain state taxes.

Amend the bill by replacing section 3 with the following:

3 Rate of Tax for Biennium Ending June 30, 1993, Communications Services Tax. For the period beginning July 1, 1991, and ending June 30, 1993, there is imposed a surcharge of 100 percent on the tax imposed under RSA 82-A:3 and 82-A:4 on the gross charge for communications services purchased at retail from a retailer.

Amend the bill by replacing section 5 with the following:

I. Sections 1 and 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect for gross charges collected from the taxpayer by a retailer on or after August 1, 1991, for communications services purchased at retail on or after July 1, 1991.

Amend the bill by deleting section 2 and renumbering sections 3-5 to read as 2-4, respectively.

AMENDED ANALYSIS

This bill amends state taxes as follows:

(1) The bill increases the rate of the legacies and successions tax from 15 to 18 percent.

(2) The bill increases the rate of tax on communication services from 50 to 100 percent for the biennium ending June 30, 1993.

Floor Amendment Is Adopted.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Heath.

Question is on Ordering to Third Reading.

The following Senators voted yes: Oleson, W. King, Hough, Dupont, Currier, Roberge, Blaisdell, Bass, McLane, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Disnard, Nelson, Colantuono, Podles, Humphrey, J. King, St. Jean.

Yeas: 14

Nays: 8

Ordered To Third Reading.

Senator Fraser and Senator Pressly not voting, excused.

REPORT OF COMMITTEE ON ENROLLED BILLS

Enrolled Bill Amendment to HB 35-A

Amend section 27, paragraph II(1) line 2 with the following:
in 1989, 367:1, XII, A, 1, 3, and 4 for aeronautics projects.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 532, relative to the color of ballots used municipal elections and relative to the time for holding town and district business meetings and elections.

HB 560, relative to bacteriological standards and reclassifying certain waters and establishing a study committee to examine the issue of recreational mining in the state's rivers.

HB 581, relative to enforcement of default judgements against tenants and relative to personal property of tenants.

HB 595, relative to citations for building code and land use violations.

HB 603, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.

HB 607, permitting actions for damages resulting from violations of workers compensation laws by bidders on construction contracts, relative to tort immunity for self-insured pools and increasing the size of the compensation appeals board.

HB 633, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes.

HB 709, establishing a study committee relative to clearcutting forest resources, extending the effective date for rulemaking by the board of licensing for foresters, and relative to notices of intent to cut.

HB 745, relative to sewage disposal systems and continually appropriating the sewage disposal system fund.

HB 780, relative to water treatment plant operators and fees for water system permits and continually appropriating a special fund to the division of water supply and pollution control.

HB 784, creating a long-range construction program for New Hampshire's highways and highway bridges.

SB 83, relative to the investment of public funds.

SB 195, relative to campaign expenditure limitations.

SB 206, relative to liquor licenses for caterers.

HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles.

HB 250, relative to the board of nursing.

HB 509, clarifying the definition of public benefit relative to permitting solid waste facilities.

HB 576, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

SB 97, relative to administrative rules and state mandates.

SB 180, relative to the hearings process on tax abatements for property taxes.

HB 517, relative to watercraft safety and moorings.

SB 42, relative to the board of podiatry, the board of registration in medicine, emergency medical technicians, and the possession of non-controlled prescription drugs for emergency use.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 104, relative to a public water rights reports and advisory committee and relative to water usage by registered hydroelectric facilities.

HB 142, relative to school district budgets, the Tilton and Northfield Union School district and the Winnisquam regional school district.

HB 161, relative to retirement system benefits and retirement system membership eligibilty and making an appropriation from the retirement system administrative account.

HB 171, relative to maintaining the "Old Man of the Mountain" and relative to the Conway village fire district and making an appropriation therefor.

HB 210, creating a committee to study artificial impoundments and relative to the department of environmental services revolving fund.

HB 325, relative to reciprocity of dog training and restricting the use of telemetry equipment.

HB 416, relative to drug-free school zones and making appropriations therefor and establishing a committee to study certain issues related to drug-free zones.

HB 451, relative to the licensing of residential care and health facilities and establishing a study committee on the Patients' Bill of Rights.

HB 486, relative to collection of forfeitures of recognizances by the division of motor vehicles.

HB 515, giving legislative approval to the land conservation investment program to accept certain dams and continually appropriating the dam maintenance fund.

SB 151, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks.

Senator Currier moved adoption.

Adopted.

Recess.

Out of Recess.

COMMITTEE OF CONFERENCE REPORT

HB 25-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993.

Recess.

Senator Blaisdell in the Chair.

COMMITTEE OF CONFERENCE ON HB 25-A

The committee of conference to which was referred House Bill 25-A, An Act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 11 and 12 with the following:

11 Lakes Monitoring Programs; University System of New Hampshire and Department of Environmental Services. The university system of New Hampshire and the department of environmental services shall report by November 1, 1991, to the governor, the speaker of the house, and the president of the senate on the status of their respective lakes monitoring programs, including, but not limited to, the costs of each program and a summary of the program goals and objectives.

12 Water Pollution State Aid Grants Bonded.

I. In addition to any other funds appropriated to the department of environmental services, the sum of \$19,040,506, for the fiscal year ending June 30, 1992, and the sum of \$11,915,598, for the fiscal year ending June 30, 1993, are hereby appropriated for the purposes of water pollution state aid grants.

II. To provide funds for the sums appropriated in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$30,956,104 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with RSA 6-A. The payments of principal and interest due on such bonds and notes shall be made when due from the general fund.

Amend the bill by replacing section 15 with the following:

15 Appropriation for Department of Postsecondary Technical Education.

I. In addition to any other sums appropriated, the sum of \$1,234,625 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of postsecondary technical education. The commissioner shall notify the department of administrative services

as to the specific amounts to be increased in specified line items no later than 15 days after the effective date of this section.

II. In addition to any other sums appropriated the sum of \$1,089,322 for the fiscal year ending June 30, 1993, is hereby appropriated to the department of postsecondary technical education. The commissioner shall notify the department of administrative services as to the specific amounts to be increased in specified line items no later than June 1, 1992.

III. For the purposes of paragraphs I and II of this section the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing sections 17 and 18 with the following:

17 Appropriation; Supreme Court. The sum of \$2,623,447 is appropriated to the supreme court for the biennium ending June 30, 1993, for the purchase of computer hardware and system development. No funds appropriated in this section for computer hardware and system development shall be expended, encumbered or obligated in any way without the prior approval of the fiscal committee.

18 Bonds Authorized. To provide funds for the appropriation made in section 17 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,623,447 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The bonds issued for the purchase of computer equipment under section 17 shall be 5-year bonds.

Amend the bill by replacing all after section 19 with the following:

20 General Fund Appropriation Reduction; Judicial Branch. The judicial branch is hereby directed to reduce all state general fund appropriations by \$1,000,000 for each fiscal year of the biennium ending June 30, 1993. The chief justice of the supreme court or his designee shall by December 31, 1991, for the fiscal year ending June 30, 1992, and by December 31, 1992, for the fiscal year ending June 30, 1993, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section.

21 Appropriation; Department of Administrative Services. The sum of \$350,000 for the fiscal year ending June 30, 1992, and the sum of \$430,000 for the fiscal year ending June 30, 1993, are appropriated to the financial data management unit, department of administrative services for the purpose of funding American Management Systems contracts.

22 Bonds Authorized. To provide funds for the appropriation made in section 21 of this act, the state treasurer is authorized to draw upon the credit of the state the sum of \$780,000, and for said purpose shall issue bonds and notes in the name and on behalf of the state of

New Hampshire in accordance with the provisions of RSA 6-A, except that, notwithstanding the provisions of RSA 6-A:2, such bonds shall have a maturity of 5 years from the date of issue. Payments of principal and interest on such bonds and notes shall be made when due from the general fund.

23 Footnote Amended. The footnote to PAU 06, 04, 01, 01 as inserted by section 1 of this act shall not take effect. The following shall be inserted as the footnote to PAU 06, 04, 01, 01:

With prior approval of the fiscal committee for the biennium ending June 30, 1993, the department of postsecondary technical education is hereby authorized to lease land and sell sand, gravel, excess cordwood, timber, loam, and other materials from campus property and to use the income therefrom to maintain, repair, and improve buildings, grounds and recreational facilities for students. The revenue shall not be transferred to any other state fund. Any funds received from the sale of materials, as part of the parking lot site work at NHTI-Concord shall be used to reduce the bonds authorized for said project in section 1, paragraph VII, F of HB 35-A of the 1991 legislative session.

24 General Fund Appropriation Reduction; Department of Environmental Services. The department of environmental services is hereby directed to reduce all state general fund appropriations by \$350,000 for the fiscal year ending June 30, 1992, and by \$350,000 for the fiscal year ending June 30, 1993. The commissioner shall, within 15 days after the effective date of this section, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section.

25 Supplemental Funding for Out-of-State Travel; Appropriations Lapsed.

I. Any department, institution, board, commission or other agency, as defined in RSA 9:1, which finds, after consultation with the fiscal committee, that a travel requirement exists and that it is without sufficient funds to pay for said travel, shall request the governor to transfer and expend such funds as are mutually approved from the fund established for special disbursements in the department of administrative services.

II. Any authorized expenditures by a highway or special fund agency shall be a charge against the appropriate fund. The governor is authorized to draw his warrant for sums authorized to be expended under paragraphs I and II from the appropriate funds.

III. The following agencies are exempted from paragraphs I and II: fish and game department; department of employment security; banking department; insurance department; public utilities commission; higher education fund; New Hampshire retirement system; de-

partment of postsecondary technical education; the industrial development authority; the revenue collections audit division of the department of revenue administration (PAU 01, 07, 02, 01); the office of the director (PAU 05, 01, 03, 01, 01) and the bureau of children (05, 01, 03, 02, 01) of the division for children and youth services; and economic development admin. (03, 03, 02, 01), business and industrial development (03, 03, 02, 02), and travel and tourism development (03, 03, 02, 03) of the department of resources and economic development.

IV. Except for appropriations to the agencies and PAU's listed in paragraph III, all appropriations for out-of-state travel, class 80 for fiscal years 1992 and 1993 in section 1 of this act shall lapse into the appropriate fund at 12:01 a.m. on July 1, 1991.

26 Motor Vehicle Appropriations Reductions.

I. The following appropriations made in section 1 of this act to class 30 of the PAU's listed shall lapse into the general fund at 12:01 a.m. on July 1, 1991:

PAU	AGENCY	FY 1992	FY 1993
01, 06, 02, 01	Central library services	\$10,600	\$ 0
02, 01, 01	Supreme court	10,000 0	
02, 03, 04	Agriculture div animal industry	0	9,900
02, 15, 05, 02	Safety traffic bureau	41,580	41,580
02, 15, 06, 01	Safety — watercraft safety	16,000	0
02, 15, 07, 01	Safety — bureau of fire safety	15,000	15,000
03, 03, 01, 01	DRED — office of commissioner	9,400	9,900
03, 03, 02, 02	DRED — business and industrial development	16,400	17,900
03, 04, 01, 01	DES — office of commissioner	12,000	12,000
05, 01, 03, 02, 01	DCYS — bureau of children	4,023	8,046
05, 01, 02, 05, 04	PHS — asbestos control	7,900	0
05, 01, 05, 02, 02	MH — office of reimbursements	9,400	9,900
05, 01, 05, 06, 01	NHH — administration	9,400	9,900
05, 01, 07, 02, 01	Cosmetology and barbers board	8,200	8,800
05, 01, 07, 08, 01	Pharmacy commission	9,400	9,900
Total		\$179,303	\$152,826

II. There is appropriated the sum of \$150,000 for the fiscal year ending June 30, 1992, and \$150,000 for the fiscal year ending June 30, 1993, for the purpose of motor vehicle acquisition by agencies. The appropriation for fiscal year 1992 shall not lapse until June 30, 1993. An agency may make a request to the fiscal committee and the governor and council for funds for motor vehicle acquisition. Upon a demonstration by the agency that the acquisition of a motor vehicle is necessary, the governor may, upon review and with the approval of the fiscal committee, approve the transfer of funds from the appropriation made in this paragraph to the agency for the purpose of

motor vehicle acquisition. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

27 Supplemental Appropriation; Board of Dental Examiners. The sum of \$4,000 is appropriated to the board of dental examiners for the fiscal year ending June 30, 1991. This appropriation shall be non-lapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

28 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 1992	FY 1993
Beer	\$ 12,500,000	\$ 12,500,000
Board and Care	26,000,000	19,500,000
Medicaid Hospital Reimbursement	41,000,000	41,000,000
Business Profits Tax	115,500,000	123,000,000
Estate and Legacy Taxes	30,000,000	32,400,000
Insurance	43,000,000	45,000,000
Interest and Dividends Tax	41,000,000	44,000,000
Liquor	61,000,000	64,700,000
Meals and Rooms Taxes	92,500,000	96,000,000
Parks Income	4,750,000	4,950,000
Dog Racing	6,500,000	6,700,000
Horse Racing	5,800,000	4,800,000
Real Estate Transfer Tax	33,000,000	36,000,000
Communications Tax	27,600,000	28,800,000
Cigarette Tax	36,000,000	36,000,000
Utilities	23,200,000	22,700,000
Other	33,850,000	35,850,000
Courts	24,000,000	25,000,000
Savings Bank Tax	14,000,000	15,000,000
Total	\$671,200,000	\$693,900,000

HIGHWAY FUND	FY 1992	FY 1993
Gasoline Road Toll	\$ 92,112,000	\$ 94,154,000
Motor Vehicle Fees	53,520,000	54,540,000
Miscellaneous	7,550,000	7,550,000
Total	\$153,182,000	\$156,244,000

FISH AND GAME FUND	FY 1992	FY 1993
Fish and Game Licenses	\$ 5,868,700	\$ 6,015,400
Fines and Penalties	85,000	85,000
Miscellaneous Sales	491,500	491,500
Indirect Costs	50,000	50,000
Total	\$ 6,495,200	\$ 6,641,900

29 Effective Date.

I. Section 27 of this act shall take effect June 30, 1991.

II. The remainder of this act shall take effect July 1, 1991.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6

Sen. Blaisdell, Dist. 10

Sen. Hough, Dist. 5

*Conferees on the Part
of the House*

Rep. Gross, Merr. 16

Rep. Burns, Coos 5

Rep. C. Brown, Graf. 13

Rep. D. Hall, Merr. 7

Rep. Schotanus, Sull. 1

PRESIDENT DUPONT: HB 25, the Committee of Conference report is obviously before you at the present time. I could go into details about what we did in this act and I won't. It probably is appropriate that we try and focus our questions to certain aspects of the act. I am sure that there will be those. I think the important document is an item that is the Conference report on HB 25 which is net general fund additions to the Senate budget. The document with this cover. When you go through this, you will see the changes from the Senate position which we adopted in this body. For those that as we spoke on the floor of the Senate that day, there was obviously a message that we needed to refine our position and find additional savings if we could. You will see in this document, the reductions that have been made to the Senate position when it was before you last. I'm sure that you have all read in the newspapers of the difficulty that we have had reaching this compromise. The Governor, this morning, after some discussion between the Governor, the Speaker, and myself, had a press conference at which I think he acknowledged the work of the Legislative body. The Senate and the House putting together a budget, that while it is slightly above previous levels of expenditures, I believe is an efficient and effective approach to continuing state government operations for the next 2 years. I also would add that when we put together this budget, there were certain priorities that the Senate had. When we came away from the Committee of Conference table that the bulk of those priorities that were established by this body, the intent not only put together a balanced budget, but addressed the problems that we as New Hampshire citizens face with our economy in a significant recession. Those pieces that are important to Economic Development are preserved in this act. Those pieces that relate to tax credits will be before you tomorrow and other pieces that I think that we all stood on this floor and spoke to that were important are part of this document. There are a few days left in June. I think we sat down at the conference table 3 weeks ago expecting that we would have been done in a couple of days, the end of the month rapidly approaches. No one knows the exact consequences of not having a budget better than I, because we have spent some time discussing what happens

on July 1 if there is no budget. Well I am not going to tell you that that is a good reason to vote for this budget. I will tell you that this budget is the best document that we are going to be able to put together between the House and the Senate. So obviously, as you all recognize this is a result of a lot of labor by your Conferees. Most of us have been here more hours than we would like to tell you, but ultimately, we put the time in necessary to bring this document forward. It is a document that this Senate should be able to support because I believe that it recognizes the Senate position that we last adopted in this body with some refinements that I think that most of you would agree make the document better. So with that, I will end my testimony. I would like to remain on the floor and if there are any questions, I would be glad to try and respond to them.

Senator Dupont moved concurrence of the Committee of Conference report.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Heath.

Recess.

Out of recess.

Paired Votes: Senators Pressly & St. Jean.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Holingworth, Cohen.

The following Senators voted no: Heath, Colantuono, Humphrey.

Yeas: 19

Nays: 3

Committee of Conference Report is Adopted.

Conferees were changed on HB 25. The following Senators were assigned: Russman, Dupont, W. King.

Recess.

Senator Dupont in the Chair.

COMMITTEE OF CONFERENCE ON HB 65

COMMITTEE OF CONFERENCE REPORT ON HB 65-FN-A

The committee of conference to which was referred House Bill 65-FN-A, An Act relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 When Fiscal Notes Required. Amend RSA 14:44 to read as follows:

14:44 Fiscal Note Required.

I. All bills and resolutions having an effect on the revenues, expenditures or fiscal liability of the state or a city or town or county[, excepting appropriations for capital improvements,] shall be accompanied by a fiscal statement which sets forth the estimated fiscal impact thereof, **except as provided in paragraph II.**

II. No fiscal note shall be required for bills and resolutions which:

(a) Make appropriations for capital improvements and expenditures.

(b) Are budget or supplemental budget bills.

(c) Establish study committees where the only fiscal impact of the bill is due to legislative mileage authorized for legislative members.

(d) Establish or change a civil or criminal penalty.

(e) Shift the burden of a tax among local taxpayers, without affecting the total amount of revenue received from the tax.

(f) Regulate the operation of boats or other watercraft on a particular body or bodies of water.

(g) Grant rulemaking authority to or alter the rulemaking authority of a state agency.

2 New Paragraph; Rulemaking Added. Amend RSA 21-I:14 by inserting after paragraph XII the following new paragraph:

XII-a. Procedures for the waiver of certain provisions of RSA 21-I relative to purchasing under RSA 21-I:18, II.

3 Waiver Procedure Added. Amend RSA 21-I:18 to read as follows: 21-I:18 Exemptions.

I. To the extent indicated in this section, the following agencies and purchases are exempted from the provisions of this chapter. All exempt purchases shall be made in accordance with the existing laws governing such purchases:

[I.](a) The university system of New Hampshire shall not be required to make any purchases through the director of plant and property management, unless it wishes to do so. If it does, the director shall be required to follow the provisions of this chapter. The

university system shall make purchases under competitive bidding requirements except when waived by the chancellor of the university system or his authorized agent upon written justification.

[II.](b) The purchasing powers now vested in the state liquor commission by RSA 176:11, RSA 176:15, and RSA 177:1 shall remain in effect. All other purchases by or for said commission shall be subject to the provisions of this chapter.

[III.](c) The legislature, secretary of state, court systems and the state reporter are completely exempted from the provisions of this chapter.

[IV.](d) This chapter shall not apply to any contracts made or entered into by the director of plant and property management or any agency under the terms of which contractors with the state purchase their own supplies directly.

[V.](e) The purchase of materials, supplies and merchandise by the department of resources and economic development as provided by RSA 219:21 shall not be subject to the provisions of this chapter.

[VI.](f) All state agencies are exempted in the matter of the purchase of books and periodicals.

[VII.](g) The purchase of gaming tickets and their dispensing equipment by the sweepstakes commission. The commission shall make such purchases under competitive bidding requirements, except when waived by the commission or its authorized agent with written justification.

[VIII.](h) The purchase of client rehabilitative equipment and supplies for disabled persons by the division of vocational rehabilitation, including adaptive equipment as provided by RSA 200-C:16, shall not be subject to the provisions of this chapter.

II. Notwithstanding any other provision of law, the commissioner of the department of administrative services, or his designee, may waive the provisions of RSA 21:I, relative to the purchase of materials, supplies, and merchandise, when requested by the executive head of any department or agency or his designee to prevent the loss of any federal or other funds subject to recapture. Such waiver shall be acted upon in a timely manner, and approval shall not be unreasonably withheld.

4 Medical and Surgical Benefits. Amend RSA 21-I:30, I to read as follows:

I. The state shall pay [the full] a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospi-

tal medical care, surgical care and other medical benefits plan within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

5 New Section; Health Insurance Group Coverage Survey Required. Amend RSA 21-I by inserting after section 36 the following new section:

21-I:36-a Health Insurance Group Coverage Survey Required.

I. The department of administrative services shall annually compile information regarding participants in state group health insurance coverage, including active and retired state employees and their family members. Such information shall include, but not be limited to, the names and identification numbers of all covered persons.

II. The compilation shall be made after the close of each fiscal year and shall include information on all persons covered as of June 30.

III. The department of administrative services shall annually prepare a report on the information compiled under this section and shall present the report to the speaker of the house, the president of the senate, and the governor on or before August 1 of each year.

IV. Upon request of the department of administrative services, all state agencies shall supply any information requested by the department in connection with its duties under this section.

6 New Section; Revenue Counsel. Amend RSA 21-J by inserting after section 6-a the following new section:

21-J:6-b Revenue Counsel.

I. There is established within the department the position of revenue counsel who shall be responsible for providing advice and legal representation for the department in all matters of administration of the tax laws assigned to the department.

II. The commissioner shall appoint the position of revenue counsel.

III. The salary of the revenue counsel shall be as specified in RSA 94:1-a.

7 Salary; Revenue Counsel of Department of Revenue Administration.

I. Amend RSA 94:1-a, I by inserting in group M: revenue counsel, department of revenue administration.

II. The funds necessary to fund the position established in paragraph I of this section are provided in section 1 of HB 25-A.

8 Section Heading Changed. Amend the section heading of RSA 21-O:2 to read as follows:

21-O:2 Commissioner; Assistant Commissioner; Directors; **Chief Operations Officer**; Compensation.

9 New Paragraph; New Position; Chief Operations Officer. Amend RSA 21-O:2 by inserting after paragraph III the following new paragraph:

III-a. The commissioner shall nominate for appointment by the governor and council a chief operations officer of the commissioner's office who shall serve for a term of 4 years. The chief operations officer shall oversee and coordinate the activities of the administrative services, geology, public information and permitting, and laboratory services units, and shall be responsible for the following functions:

(a) Preparing agency budget requests.

(b) Developing and implementing procedures for assuring smooth operation of the various units within the commissioner's office.

(c) Ensuring compliance with directives and procedures by the governor and general court.

(d) Implementing audit recommendations concerning the commissioner's office units.

(e) Carrying out the directives of the commissioner and assistant commissioner.

10 Salary; Chief Operations Officer. Amend RSA 21-O:2, IV to read as follows:

IV. The salaries of the commissioner, the assistant commissioner, **the chief operations officer** and each division director shall be as specified in RSA 94:1-a.

11 Salary; Chief Operations Officer. Amend RSA 94:1-a, I by inserting in group O the following: chief operations officer, department of environmental services.

12 Filing; Intent to Cut. Amend RSA 79:10 to read as follows:

79:10 Notice of Intent to Cut.

I. Every owner, as defined in RSA 79:1, II, shall, at the beginning of each tax year and prior to commencing each cutting operation, file with the proper assessing officials in the city or town where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating his name, residence, social security number, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year. The appropriate copies of all intents received by a city or town shall be forwarded to the commissioner of revenue administration by the assessing officials. Upon receipt of an original intent, the commissioner of revenue adminis-

tration shall assign an operation number and furnish, without cost to the owner, a certificate and report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city or town. The appropriate copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development. Starting an operation before the appropriate notice of intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation.

II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1 shall not be required to file for a new notice of intent if the cutting operation will be completed prior to June 30 of that year.

13 Salary; Executive Secretary, N.H. Retirement System.

I. Amend RSA 94:1-a, I by:

(a) Deleting from group M the following: executive secretary, N.H. retirement system.

(b) Inserting in group N the following: executive secretary, N.H. retirement system.

II. The incumbent executive secretary shall be placed in group N, maximum.

14 Medical Benefits; Persons Retired Before July 1, 1991. Amend RSA 100-A:52, III to read as follows:

III. In the case of group II members retired from state employment **before July 1, 1991**, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

15 New Paragraph; Medical Benefits; Persons Retired On or After July 1, 1991. Amend RSA 100-A:52 by inserting after paragraph III the following new paragraph:

III-a. In the case of group II members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under

RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group II member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

16 Birth Registration Cards; Fee Increased. Amend RSA 126:13 to read as follows:

126:13 Birth Registration Cards.

I. The registrar of vital records and health statistics, or the town clerk, may issue, in accordance with the provisions of RSA 126:14, a card containing information relative to the date and place of birth of such persons as may be on record in his office. The fee for the issuance of any such card shall be [§3] **\$10**. However, under no circumstances shall any information relative to any adoption be disclosed or given out by the registrar of vital records and health statistics, or the town clerk, or any other individual except pursuant to RSA 170-B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

II. **The town clerk shall forward \$6 of each fee collected under this section to the state treasurer for deposit in the vital records improvement fund established under RSA 126:31. The town clerk shall retain the remaining \$4 as his fee for issuing such birth registration card.**

17 Fee Increased for Requesting Vital Records. Amend RSA 126:15 to read as follows:

126:15 Fees For Copies and Verifications.

I. A town clerk or the registrar of vital records and health statistics shall be paid in advance, by any person requesting any copy or verification as provided in RSA 126:14, the sum of [§3] **\$10** for making search, which sum shall include payment for the issuance of such copy or verification, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$4.

II. **The town clerk shall forward \$6 of each fee collected under this section to the state treasurer for deposit in the vital records improvement fund established under RSA 126:31. The town clerk shall retain the remaining \$4 as his fee for issuing such a copy.**

18 New Sections; Fund Established; Committee Established. Amend RSA 126 by inserting after section 30 the following new sections:

126:31 Vital Records Improvement Fund. There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for vital records improvement, and said money shall not be used for any other purpose. Moneys in the fund shall be allocated by the director, division of public health services, with the assistance of the advisory committee established under RSA 126:32. The fund shall be nonlapsing and shall be continually appropriated to the director, division of public health services.

126:32 Advisory Committee.

I. There is established an advisory committee to assist the director of public health services in administering the fund established under RSA 126:31. The advisory committee shall also determine the need for improvement and automation of the processing of vital records. The members of the committee shall be appointed by the director of public health services as follows:

(a) A town clerk.

(b) A city clerk.

(c) A funeral director.

(d) A physician licensed under RSA 329.

(e) A nurse licensed under RSA 326-B.

(f) A public member, who shall have a direct interest in the registration of vital records.

(g) The registrar of vital records, or designee.

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms.

19 Division Added. Amend RSA 290:7 to read as follows:

290:7 In Cities. Boards of health in cities **or the division of public health services** shall have charge of granting permits for the burial of the dead[; and]. No interment or removal from the city, of the dead body of any human being, nor disposition thereof in any tomb or vault, shall be made without a permit from said boards [or], their duly appointed agent, **or the division** nor otherwise than in accordance with said permit.

20 Registrar Added. Amend RSA 290:9 to read as follows:

290:9 Sub-Registrars. **The registrar of vital records and health statistics** or the town clerk may appoint suitable persons[, not exceeding 2 in number,] as sub-registrars, who are authorized to issue burial **and transit** permits based upon a death certificate, as hereinbefore provided in the manner required of the town clerk **or the**

division of public health services. A town clerk's appointment of such sub-registrar shall not exceed 2 individuals. The appointment of sub-registrars shall be made with reference to locality, as the convenience of the inhabitants of the town may require.

21 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (nn) the following new subparagraph:

(oo) Moneys received from the town clerk under RSA 126:13, II, which shall be credited to the vital records improvement fund established in RSA 126:31.

22 New Paragraph; Photocopies of Documents; Health and Human Services. Amend RSA 126-A:4 by inserting after paragraph IV the following new paragraph:

V. The commissioner may assess and collect reasonable fees for the duplication of materials made pursuant to RSA 91-A:4 and for material generally available to the public upon request. Such fees shall be based on an amount necessary to recover the cost of producing such documents, regardless of the type of medium used. Fees paid to the department of health and human services shall be continually appropriated to the department. Local, state and federal agencies shall be exempted from these fees.

23 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (nn) the following new subparagraph:

(oo) Moneys received under RSA 126-A:4, V, which shall be credited to the commissioner, department of health and human services.

24 Statement of Purpose; Administrative Fines; Division of Public Health Services. The general court finds that the laws protecting the health of the public contain appropriate civil and criminal penalties but lack a mechanism to compel the earliest possible compliance necessary to protect the public while other sanctions are being pursued, or a mechanism to penalize infractions of such laws which do not warrant civil or criminal penalties. Therefore, the purpose of sections 19-46 of this act is to provide the division of public health services with the necessary tools, in the form of administrative fines, to fully protect the health of the public, while assuring restraint on the regulator through a scaling of fines and the availability of due process for the regulated.

25 New Paragraphs; Rulemaking. Amend RSA 130-A:6 by inserting after paragraph II the following new paragraphs:

III. A schedule of administrative fines which may be imposed under RSA 130-A:8-a for violation of this chapter or the rules adopted pursuant to it.

IV. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 130-A:8-a.

26 New Section; Administrative Fines. Amend RSA 130-A by inserting after section 8 the following new section:

130-A:8-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

27 New Paragraphs; Rulemaking Added. Amend RSA 137-F:16 by inserting after paragraph III the following new paragraphs:

III-a. A schedule of administrative fines which may be imposed under RSA 137-F:18-a for violation of this chapter or the rules adopted pursuant to it.

III-b. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 137-F:18-a.

28 New Section; Administrative Fines. Amend RSA 137-F by inserting after section 18 the following new section:

137-F:18-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

29 New Subparagraphs; Rulemaking Added. Amend RSA 141-E:4, I by inserting after subparagraph (l) the following new subparagraphs:

(m) A schedule of administrative fines which may be imposed under RSA 141-E:15-a for violation of this chapter or the rules adopted pursuant to it.

(n) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 141-E:15-a.

30 New Section; Administrative Fines. Amend RSA 141-E by inserting after section 15 the following new section:

141-E:15-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision for the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

31 New Subparagraphs; Rulemaking Added. Amend RSA 143:6, II by inserting after subparagraph (d) the following new subparagraphs:

(e) A schedule of administrative fines which may be imposed under RSA 143:7-a for violation of this chapter or the rules adopted pursuant to it.

(f) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 143:7-a.

32 New Section; Administrative Fines. Amend RSA 143 by inserting after section 7 the following new section:

143:7-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

33 New Paragraphs; Rulemaking Added. Amend RSA 143-A:9 by inserting after paragraph IV-a the following new paragraphs:

IV-b. A schedule of administrative fines which may be imposed under RSA 143-A:10-a for violation of this chapter or the rules adopted pursuant to it.

IV-c. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 143-A:10-a.

34 New Section; Administrative Fines. Amend RSA 143-A by inserting after section 10 the following new section:

143-A:10-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

35 Rulemaking Added. RSA 145:15 is repealed and reenacted to read as follows:

145:15 Rulemaking. The director, division of public health services, shall adopt rules pursuant to RSA 541-A, relative to:

I. Licenses issued under RSA 145:3.

II. The use of marks, tags, labels, and signs.

III. A schedule of administrative fines which may be imposed under RSA 145:17 for violation of this chapter or the rules adopted pursuant to it.

IV. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 145:17.

V. Any other matter necessary for the administration of this chapter.

36 New Section; Administrative Fines. Amend RSA 145 by inserting after section 16 the following new section:

145:17 Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accord-

ance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

37 New Subparagraphs; Rulemaking Added. Amend RSA 146:11, II by inserting after subparagraph (e) the following new subparagraphs:

(f) A schedule of administrative fines which may be imposed under RSA 146:18-a for violation of this chapter or the rules adopted pursuant to it.

(g) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 146:18-a.

38 New Paragraph; Administrative Fines. Amend RSA 146 by inserting after section 18 the following new section:

146:18-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter, except for those provisions relating to additives to fresh produce. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules, in accordance with RSA 541-A, relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

39 Fine Deleted. Amend RSA 147:2 to read as follows:

147:2 Rulemaking; Enforcement. The director, division of public health services, shall, in addition to the rules and ordinances of the health officers of towns, adopt other rules pursuant to RSA 541-A, as in his judgment the public good requires, and the rules shall be enforced by the department of health and human services, division of public health services, and local boards of health. The division of public health services may also enforce, concurrently with towns, the other provisions of this chapter. [Any person wilfully violating any rule of the director, division of public health services, as adopted under this section shall be fined \$10.]

40 New Subparagraphs; Rulemaking Added. Amend RSA 151:9, I by inserting after subparagraph (k) the following new subparagraphs:

(l) A schedule of administrative fines which may be imposed under RSA 151:16-a for violation of this chapter or the rules adopted pursuant to it.

(m) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 151:16-a.

41 New Paragraphs; Rulemaking Added. Amend RSA 151:9-a by inserting after paragraph VIII the following new paragraphs:

IX. A schedule of administrative fines which may be imposed under RSA 151:16-a for violation of this chapter or the rules adopted pursuant to it.

X. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 151:16-a.

42 New Section; Administrative Fines. Amend RSA 151 by inserting after section 16 the following new section:

151:16-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

43 New Section; Administrative Fines. Amend RSA 151-B by inserting after section 14 the following new section:

151-B:14-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

44 New Paragraphs; Rulemaking Added. Amend RSA 151-B:16 by inserting after paragraph V the following new paragraphs:

V-a. A schedule of administrative fines imposed under RSA 151-B:14-a for violation of this chapter or the rules adopted pursuant to it.

V-b. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 151-B:14-a.

45 New Paragraphs; Rulemaking Added. Amend RSA 170-E:11 by inserting after paragraph V the following new paragraphs:

VI. A schedule of administrative fines which may be imposed under RSA 170-E:21-a for a violation of this chapter or the rules adopted pursuant to it.

VII. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 170-E:21-a.

46 New Section; Administrative Fines. Amend RSA 170-E by inserting after section 21 the following new section:

170-E:21-a Administrative Fines. The commissioner of the department of health and human services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The commissioner shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

47 Rulemaking Added. RSA 325-A:5 is repealed and reenacted to read as follows:

325-A:5 Rulemaking. The director, division of public health services, shall adopt rules, pursuant to RSA 541-A relative to:

I. The construction and operation of crematories.

II. A schedule of administrative fines imposed under RSA 325-A:7 for violation of this chapter or the rules adopted hereunder.

III. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 325-A:7.

IV. Any other matter necessary to the administration of this chapter.

48 New Section; Administrative Fines. Amend RSA 325-A by inserting after section 6 the following new section.

325-A:7 Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

49 New Subparagraphs; Rulemaking Added. Amend RSA 328-B:4, VII by inserting after subparagraph (j) the following new subparagraph:

(k) A schedule of administrative fines which may be imposed under RSA 328-B:11-a for violation of this chapter or the rules adopted pursuant to it.

(l) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 328-B:11-a.

50 New Section; Administrative Fines. Amend RSA 328-B by inserting after section 11 the following new section:

328-B:11-a Administrative Fines. The director of the division of public health services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

51 New Subparagraphs; Rulemaking Added. Amend RSA 339-A:5, II by inserting after subparagraph (f) the following new subparagraphs:

(g) A schedule of administrative fines which may be imposed under RSA 339-A:7-a for violation of this chapter or the rules adopted pursuant to it.

(h) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 339-A:7-a.

52 New Section; Administrative Fines. Amend RSA 339-A by inserting after section 7 the following new section:

339-A:7-a Administrative Fines. The director of the division of public health services, after notices and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

53 Fees; Acute Care Hospitals, Specialty Hospitals, and Nursing Homes. RSA 151-C:15, I is repealed and reenacted to read as follows:

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the division of public health services or \$500,000, whichever is less. The amount to be collected shall be prorated at the end of each fiscal year among all acute care hospitals, specialty hospitals, and nursing homes licensed under RSA 151, except those operated by county and municipal governments.

54 Fee for Elevator Inspection Certificate Increased. Amend RSA 157-B:5, I to read as follows:

I. Subsequent to the inspection of an elevator, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the elevator is certifiable and shall provide a copy of the inspection report to the owner or the owner's designee. When an elevator passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of [\$15] \$45 shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

55 Repeal. RSA 157-A:14, relative to the boiler and elevator inspection fund, is repealed.

56 New Paragraph; No Cash Payments. Amend RSA 165:1 by inserting after paragraph II the following new paragraph:

III. Whenever a town provides assistance under this section, no such assistance shall be provided directly to a person or household in the form of cash payments.

57 New Section; Liquor Stores; Reimbursement for Emergency Services. Amend RSA 177 by inserting after section 9 the following new section:

177:10 Reimbursement for Emergency Services. The commission and the officials of any municipality which is required to provide emergency services to a liquor store located on an interstate highway shall meet and negotiate reimbursement for each store on a per call basis for the services to be provided.

58 Cocktail Lounges in Hotel Restaurants. Amend RSA 178:20, V(k) to read as follows:

(k) Hotel. The commission may issue a cocktail lounge license to any hotel holding a hotel full service restaurant license issued under RSA 178:19, II(b)(1) to serve liquor and beverages in any room of a hotel designated by the commission. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the lounge may operate [one hour] **2 hours** before the dining room opens for the evening meal. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant of the hotel after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. [The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the cocktail lounge area.] The commission may grant, regulate, suspend or revoke a cocktail lounge license without affecting any other license granted to a hotel.

59 Listing Retail Prices. Amend RSA 179:31, V to read as follows:

V. The listing of retail prices [by, for or in] **on** behalf of retail licensees, [except for wine by off-premise licensees] **by a holder of a wholesale distributor license**, is prohibited in all newspaper, magazine, periodical, radio or television advertising. **All other licensees under title XIII shall be allowed, with no restriction, to advertise prices, either comparatively or otherwise in all newspaper, magazine, periodical, radio or television advertising.**

60 Exemption From Competitive Bidding; School Improvement Program. Amend RSA 186:69 to read as follows:

186:69 School Improvement Program. There is established a school improvement program within the department of education. The [department] **commissioner of education** shall contract with an appropriate agency to implement this program. The program shall be based upon, but not limited to, the profiling effectiveness in special education model developed by the bureau of special education, department of education, for implementation as the school improvement program in the public elementary, middle and high schools of the state. Such implementation shall be done annually in selected schools voluntarily requesting to participate in the New Hampshire school improvement program. **Notwithstanding any law or rule to the contrary, the school improvement program shall be exempt from competitive bidding requirements. Notwithstanding the provisions of RSA 186:11, the commissioner shall have exclusive authority over expenditures of funds appropriated for the school improvement program.**

61 New Section; Transfers from Fish and Game Fund. Amend RSA 206 by inserting after section 33-a the following new section:

206:33-b Transfers from Fish and Game Fund. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the fish and game department, the department may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the fish and game fund for fish and game department purposes.

62 Park System Fees. RSA 216-A:3-g is repealed and reenacted to read as follows:

216-A:3-g Fees for Park System. The commissioner of the department of resources and economic development, in consultation with the director of parks and recreation and the director of state ski operations, shall establish fees for access to and use of the state park system. The fees approved by the commissioner and after prior approval of the fiscal committee shall not be subject to the provisions of RSA 541-A, so as to provide the department with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Said fees shall be consistent with the following criteria:

I. Fees for the use of park areas shall be designed to recover a reasonable portion of budget expenses consistent with the purposes of RSA 216-A:1 and 216-A:3. The general court does not intend that all park facilities be self supporting.

II. Fees for the use of campgrounds and ski lifts shall be comparable with the fees for use of similar privately owned facilities. The operation of all enterprise functions within the park system, includ-

ing ski lifts, food service, retail facilities, campgrounds, and other concession activities, shall be as profitable as possible, within the purposes of the park system.

63 Repeal. RSA 12-A:2-c, II(c), relative to fees for access to certain property, is repealed.

64 Civil Penalties; Workers' Compensation. Amend RSA 281-A:59, IV to read as follows:

IV. [In addition to the provisions of paragraph III,] The civil penalties collected under RSA 281-A:7, 42 and 53 shall be **forwarded to the state treasurer and** deposited [to the credit of the administration fund established by this section] **in the general fund.**

65 Secretary of State; Payment of Expenses. RSA 293-B:15, II is repealed and reenacted to read as follows:

II. The state treasurer shall pay the expense of administering RSA 293-B out of any money in the treasury not otherwise appropriated until the fees collected pursuant to RSA 293-B:14, I, have been received. Thereafter, the expenses of administering this chapter shall be paid out of the fees collected under RSA 293-B:14, I, and the treasurer shall reimburse the treasury for the previous expenses paid. The governor is authorized to draw his warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

66 Reservation of Name. Amend RSA 293-B:16, III to read as follows:

III. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, which may either be a signed or conformed copy, specifying the name to be reserved and the name and address of the applicant. If the secretary of state finds that the name is available for use by a New Hampshire investment trust, [he shall reserve] the name **shall be reserved** for the exclusive use of the applicant for a period of 120 days. The same applicant may not reserve the same name until a period of 60 days has passed since the expiration of that applicant's prior reservation. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, which may be either a signed or conformed copy, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be cancelled by filing with the secretary of state a notice of cancellation, executed by the applicant or transferee, which may be either a signed or conformed copy, specifying the name reservation to be cancelled and the name and address of the applicant or transferee.

67 Definition; Attorney General. RSA 421-A:2, I-a is repealed and reenacted to read as follows:

I-a. "Attorney general" means the attorney general or delegee.

68 Definition; Department. RSA 421-A:2, IV-a is repealed and reenacted to read as follows:

IV-a. "Department" means the department of justice.

69 Reference Changes. Amend RSA 421-A:11, I to read as follows:

I. Whenever it appears to the [director] **attorney general** that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter; or any rule adopted or order issued under it, the [director] **attorney general** may issue and cause to be served upon any person violating any of the provisions of this chapter, an order requiring the person to cease and desist therefrom; and the [director] **attorney general** may bring an action in a court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with this chapter or any rule adopted or order issued under it[, or he may refer the matter to the attorney general or the county attorney of the appropriate county]. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order and may order rescission of any sales or purchases of securities determined to be unlawful under this chapter, or any rule adopted or order issued under it. The court may not require the [director] **attorney general** to post a bond.

70 Criminal Penalties. Amend RSA 421-A:13 to read as follows:

421-A:13 Criminal Penalties.

I. Any person who violates RSA 421-A:3 or any rule adopted under it, or any order of which he has notice, or who willfully violates RSA 421-A:7, 8 or 11 or any rule adopted or order issued thereunder, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned more than 6 years after the alleged violation.

[II. The director may refer such evidence as is available concerning violations of this chapter or of any rule adopted or order issued hereunder to the attorney general or the county attorney of the appropriate county who may, with or without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a county attorney, he shall within 90 days file with the director a statement concerning any action taken or, if no action has been taken, the reasons therefor.]

[III.] II. Nothing in this chapter shall be construed to limit the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

71 Definitions; Attorney General; Department. RSA 421-B:2, IV and V are repealed and reenacted to read as follows:

IV. "Attorney general" means the attorney general or delegee.

V. "Department" means the department of justice.

72 Definition; Reference Change. Amend RSA 421-B:2, II(d) to read as follows:

(d) Effecting other transactions, if such individual is an officer or director of the issuer, no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, and upon application, such individual is specifically authorized by name in an order issued by the [director] **attorney general**; or

73 Licensing Procedure. Amend RSA 421-B:7, I to read as follows:

I. A broker-dealer, agent, or investment adviser may obtain an initial or renewal license by filing with the [director] **secretary of state** an application together with a consent to service of process pursuant to RSA 421-B:30, VII. The application shall be on a form prescribed by the [director] **attorney general** and shall contain whatever information the [director] **attorney general** requires concerning such matters as, but not limited to, the applicant's form and place of organization; the applicant's proposed method of doing business; the qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee; any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and the applicant's financial condition and history. The [director] **secretary of state** may by rule or order require an applicant for initial license to publish an announcement of the application in one or more specified newspapers published in this state. If no denial order is in effect and no proceeding is pending under RSA 421-B:10, licensing becomes effective at noon of the thirtieth day after an application is filed. The [director] **secretary of state** may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after filing of any amendment.

74 Post-Licensing Provisions. Amend RSA 421-B:8, I-VII to read as follows:

I. Every broker-dealer or issuer-dealer doing business in this state unless otherwise directed shall, within 60 days after the close of the fiscal year, make and transmit to the [director] **secretary of state** a filing under oath of its chief managing officer showing or providing the financial statement, changes in management, changes

in ownership, and any significant changes in the method of doing business for the preceding fiscal year. Said filing shall include statements or periodic reports filed with any regulatory, state or federal authority or exchange if so directed by order or rule of the [director] **attorney general**.

II. The [director] **secretary of state** may extend the time for filing such statement for cause shown for a period of not more than 60 days. A broker-dealer or issuer-dealer intentionally failing to file its annual statement as required by paragraph I shall forfeit to the [office] **state** \$25 for each day of delinquency. The [director] **secretary of state** may refuse to continue, or may suspend or revoke, the license of any broker-dealer or issuer-dealer intentionally failing to file its annual statement when due.

III. In addition to the above, the [director] **attorney general** may require at any reasonable time and in any reasonable manner from any person or company subject to this chapter:

(a) Statements, reports, including reports audited by independent public accountants, answers to questionnaires and other information, and evidence thereof, in whatever reasonable form he designates, and at such reasonable intervals as he may choose, or from time to time;

(b) A full explanation of the programming of any data storage or communications systems in use; and

(c) Information from any books, records, electronic data processing systems, computers or any other information storage system.

IV. The [director] **attorney general** may prescribe forms for the reports under paragraph III. The forms shall be consistent, as far as practicable, with those prescribed by other states.

V. Any officer, manager or agent of any broker-dealer or issuer-dealer authorized to do or doing securities business in this state, and any person controlling or having a contract under which he has a right to control such a broker-dealer or issuer-dealer, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a broker-dealer's or issuer-dealer's affairs, shall reply promptly in writing or in other designated form, to any written inquiry from the [director] **attorney general or secretary of state** requesting a reply.

VI. The [director] **attorney general or secretary of state** may require that any communication made to him under this section be verified.

VII. In the absence of actual malice, no communication required by the [director] **attorney general or secretary of state** under this section shall subject the person making it to an action for damages for defamation.

75 Post-licensing Provisions. Amend RSA 421-B:9, V(b) to read as follows:

(b) If so requested by the person examined, within the period allowed under subparagraph V(a), or if deemed advisable by the [director] **attorney general** without such request, the [director] **attorney general** shall hold a closed hearing relative to the report and shall not file the report in the [office] **department** until after such closed hearing and his order thereon; except, that the [director] **attorney general** may furnish a copy of the report to the governor[, attorney general] **secretary of state** or state treasurer pending final decision thereon.

76 Suspension or Revocation of Application. Amend the introductory paragraph of RSA 421-B:10, I to read as follows:

I. The [director] **attorney general, on his own motion, or upon the recommendation of the secretary of state**, may by order deny, suspend, or revoke any license or application if he finds:

77 Registration by Coordination. Amend RSA 421-B:13, I-a to read as follows:

I-a. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 304-B, or an application for registration of a foreign partnership under RSA 305-A, the following requirements shall be met:

(a) Along with a \$50 filing fee, a statement shall be filed with the [director] **secretary of state** that the capital stock of the corporation or the interests of the limited partnership have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter; and, in the case of a New Hampshire corporation or limited partnership, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership will be sold or offered for sale within the meaning of this chapter.

(b) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, or by the general partners or intended general partners if a limited partnership.

[(b) The director shall certify to the secretary of state that the requirements of subparagraph (a) have been met.]

78 Registration by Coordination. Amend RSA 421-B:13, III-VII to read as follows:

III. A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied:

(a) No stop order is in effect and no proceeding is pending under RSA 421-B:16;

(b) The registration statement has been on file with the [director] **secretary of state** for at least 20 days; and

(c) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for 2 full business days or such shorter period as the [director] **secretary of state** permits by rule or otherwise and the offering is made within those limitations.

IV. The [director] **attorney general** may by rule or otherwise waive either or both of the conditions specified in subparagraphs III(b) and (c).

V. The registrant shall promptly notify the [director] **secretary of state** by telephone, telegram, or similar means of communication of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

VI. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the [director] **secretary of state** may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until there is compliance with this section, if he promptly notifies the registrant by telephone, telegram, or similar means of communication, and promptly confirms by letter or telegram when he notifies by telephone of the issuance of the order. If the registrant proves compliance with the requirements of this section as to notice and post-effective amendment the stop order is void as of the time of its entry.

VII. If the federal registration statement becomes effective before all the conditions in this section are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all of the conditions are satisfied. If the registrant advises the [director] **secretary of state** of the date when the federal registration statement is expected to become effective, the [director] **secretary of state** shall promptly advise the registrant by telephone, telegram, or similar means of communication, at the registrant's expense, whether all the conditions are satisfied and whether he then

contemplates the institution of a proceeding under RSA 421-B:16; but this advice by the [director] **secretary of state** does not preclude the institution of such a proceeding at any time.

79 Registration by Qualification. Amend RSA 421-B:14, III to read as follows:

III. A registration statement under this section becomes effective when the [director] **secretary of state** so orders.

80 Registration; Generally. Amend RSA 421-B:15 to read as follows:

421-B:15 Provisions Applicable to Registration Generally.

I. A registration statement may be filed **with the secretary of state** by the issuer, any other person on whose behalf the offering is to be made, or a licensed broker-dealer.

II. Every registration statement shall specify:

(a) The amount of securities to be offered in this state;

(b) The states in which a registration statement or similar document in connection with the offering has been or is to be filed; and

(c) Any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

II-a. Every corporation and partnership having securities registered in this state shall, within 90 days after the close of their fiscal year, file with the [director] **secretary of state** annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the [director] **attorney general** shall adopt by rule. Issuers of securities registered under this chapter shall also provide quarterly financial reports within 60 days of the end of each quarter to their shareholders, partners, and the [director] **attorney general**. Such quarterly reports need not be independently audited.

III. Any document filed under this chapter or a predecessor chapter within 5 years preceding the filing **with the secretary of state** of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

IV. The [director] **attorney general** may by rule or otherwise permit the omission of any item of information or document from any registration statement.

V. The [director] **attorney general** may by rule or order require as a condition of registration by qualification or coordination:

(a) That any security issued within the past 3 years or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow; and

(b) That the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere.

VI. The [director] **attorney general** may by rule or order determine the conditions of any escrow or impounding required under this section, but he may reject a depository solely because of location in another state only if the offering is not being registered under the Securities Act of 1933 and the principal place of business of the registrant is in this state.

VII. The [director] **attorney general** may by rule or order require as a condition of registration that any security registered by qualification or coordination be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the [director] **secretary of state** or preserved for any period up to 3 years specified in the rule or order.

VIII. Every registration statement shall be effective, for the purpose of any non-issuer distribution until withdrawn, suspended or revoked. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction so long as the registration statement is effective. A registration statement may not be withdrawn for one year from its effective date if any securities of the same class are outstanding.

IX. So long as a registration statement is effective, the [director] **attorney general** may by rule or order require the person who filed the registration statement to file **with the secretary of state** reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement, to disclose the process of the offering and the use of any proceeds received from the offering, and to submit reports of sales. The [director] **attorney general** may by rule or order require that the issuer distribute annual reports to its shareholders.

X. A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the [director] **attorney general** so orders.

XI. So long as a registration statement is effective the [director] **attorney general** may require an issuer to file **with the secretary of state** an annual report in such form as the [director] **attorney general** by rule prescribes. Failure to file the annual report within 30 days after its request may be deemed a request for withdrawal.

XII. No registration shall be deemed to be filed **with the secretary of state** until the fee established pursuant to RSA 421-B:31 has been paid.

81 Suspension or Revocation of Registration. Amend the introductory paragraph to RSA 421-B:16, I to read as follows:

I. The [director] **attorney general, on his own motion, or on the recommendation of the secretary of state**, may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds:

82 Misleading Filings: Amend RSA 421-B:19 to read as follows:

421-B:19 Misleading Filings. It is unlawful for any person to make or cause to be made in any document filed [with the director] **under this chapter** or in any proceeding under this chapter any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect or, in connection with such statement, to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

83 Reference Change; Unlawful Representations. Amend RSA 421-B:20, I to read as follows:

I. Neither the fact that a registration statement or an application for a license has been filed **under this chapter** with the state of New Hampshire nor the fact that a security is effectively registered or a person is licensed in the state of New Hampshire constitutes a finding by the [director of the office of securities regulation] **attorney general or the secretary of state** that any document filed under RSA 421-B is true, complete and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the [director of the office of securities regulation] **attorney general** has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with the provisions of this paragraph.

84 Administration. RSA 421-B:21 is repealed and reenacted to read as follows:

421-B:21 Administration.

I. This chapter shall be administered by the attorney general, with the assistance of the secretary of state who shall receive and maintain all documents which are required to be filed under this chapter. The secretary of state shall, to the greatest extent practical, physically and substantively consolidate the activities and functions related to corporations, limited partnerships, and other business organizations and entities administered by the department

of state with the activities and functions related to the registration of securities which are performed by the attorney general and secretary of state under this chapter.

II. The attorney general shall have all powers specifically granted or reasonably implied in order to perform the substantive responsibilities imposed by this title, and may, by rule, after consultation with and approval from the secretary of state, impose duties upon the secretary of state with regard to the receipt, maintenance and review of documents required to be filed under this chapter and the coordination of activities between the department of justice and the office of secretary of state.

III. It is unlawful for the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state to use for personal benefit any information which is filed with or obtained by the attorney general or the secretary of state and which is not made public. No provision of this chapter authorizes the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state.

85 Judicial Review. Amend RSA 421-B:27 to read as follows:

421-B:27 Judicial Review of Orders. Requests for rehearings and appeals from orders of the director shall be governed by RSA 541 and by the rules adopted by the [director] **attorney general** pursuant to title [XXXVII] **XXXVIII** and RSA 541-A.

86 Administrative Files and Opinions. Amend RSA 421-B:29 to read as follows:

421-B:29 Administrative Files and Opinions.

I. A document is filed when it is received by the [director], **secretary of state**.

II. The [director] **secretary of state** shall keep a register of all applications for licensing and registration statements which are or have ever been effective under this chapter and all denial, suspension, or revocation orders which have been entered under this chapter. The register shall be open for public inspection.

III. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the [director] **attorney general** adopts pursuant to RSA 541-A.

IV. Upon request and at such reasonable charges as he prescribes, the [director] **secretary of state** shall furnish to any person photostatic or other copies, certified under his seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this chapter any copy so certified is prima facie evidence of the contents of the entry or document certified.

87 Service of Process; Rules. Amend the introductory paragraph of RSA 421-B:30, VII to read as follows:

VII. Every applicant for licensing under this chapter and every issuer who proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file with the [director] **secretary of state**, in such form as he prescribes by rule, irrevocable consent appointing the [director or his successor in office to be his attorney] **secretary of state** to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the [director] **secretary of state** along with \$5, but it is not effective unless:

88 Reference Change; Service of Process. Amend the introductory paragraph of RSA 421-B:30, VIII to read as follows:

VIII. When any person, including any nonresident of this state engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, and he has not filed a consent to service of process under paragraph VII and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the [director or his successor in office to be his attorney] **secretary of state** to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor, executor, or administrator which grows out of that conduct and which is brought under this chapter or any rule or order under this chapter, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process along with \$5 in the office of the [director] **secretary of state**, and it is not effective unless:

89 Change from "Director" to "Attorney General". Amend the following RSA provisions by replacing "director" with "attorney general":

I. RSA 421-A:3; 421-A:4, X; 421-A:5; 421-A:6; 421-A:8; 421-A:9; 421-A:11, II, III; 421-A:12.

II. RSA 421-B:2, III(e); 421-B:2, IX(i); 421-B:2, X, XI; 421-B:4, II, III; 421-B:6, II; 421-B:7, III-VI; 421-B:9, I-III; 421-B:9, V(a); 421-B:9, V(c)-(e); 421-B:9, VI-VIII; 421-B:10, I(b)(5), (8), (11), (13); 421-B:10, II-VI; 421-B:12; 421-B:13, II; 421-B:14, II, IV; 421-B:16, I(b)(3), (7), (10), (11); 421-B:16, II-IV; 421-B:17; 421-B:18; 421-B:22; 421-B:23; 421-B:25, VIII; 421-B:26; 421-B:28; 421-B:30, VII(a); 421-B:30, VIII(a); 421-B:30, IX; 421-B:31, III.

90 Change from "Office" to "Department." Amend the following RSA provisions by replacing "office" with "department": RSA 421-A:9, I; 421-A:12, II; 421-B:9.

91 Transition; Rules; Delegation of Duties, Functions, and Personnel.

I. The rules of the office of securities regulation in effect immediately prior to July 1, 1991, may be continued in effect for a period of up to one year upon the order of the attorney general. Notwithstanding RSA 541-A, the attorney general may also issue orders which modify these existing rules for the sole purpose of properly allocating responsibilities between the department of justice and the department of state in a manner consistent with the provisions of this chapter. Such modifications shall be filed with the legislative committee on administrative rules and the office of legislative services prior to taking effect, but shall not be subject to the other requirements of RSA 541-A:3.

II. The attorney general may delegate duties, functions and personnel to the department of state to assist the department of justice in the licensing, registration and auditing functions under RSA 421-B.

92 Salaries Eliminated. Amend RSA 94:1-a, I, group O by deleting the following:

I. Director of the office of securities regulation.

II. Chief investigator, office of securities regulation.

III. Administrator of the office of securities services, office of securities regulation.

IV. Administrator of the bureau of securities filings, office of securities regulation.

V. Administrator of the bureau of securities audits and examinations, office of securities regulation.

93 Repeal. The following are repealed:

I. RSA 400-A:40-66, relative to the office of securities regulation.

II. RSA 421-B:24, III, relative to criminal penalties.

94 Transfer of Equipment and Files. Office equipment and files within the office of securities regulation are hereby transferred to the department of justice. The transfer authority granted under this section shall not be construed to authorize the transfer of personnel.

95 Contingent Amendment to HB 25-A; Securities Regulation. If HB 25-A becomes law, PAU 02, 04, 02, 02 as inserted by section 1 of HB 25-A shall not take effect. The following shall be inserted as PAU 02, 04, 02, 02 in HB 25-A:

02 Administration of Justice and Public Protection

04 Department of Justice

02 Division of Public Protection

02 Consumer Protection

	FY 1992	FY 1993
10 Personal Services — Permanent	\$ 94,222	\$ 96,139
13 Assistant Attorneys General	137,999	141,584
14 Investigators	113,612	113,612
20 Current Expenses	6,663	6,663
24 Maint. Other than Build. and Grnds	500	500
60 Calculated Benefits	57,111	57,972
70 In-state Travel	700	700
91 Securities Regul/Enforce	298,762	301,161
Total	\$709,569	\$718,331
Estimated Source of Funds for Consumer Protection General Fund	\$709,569	\$718,331
Total	\$709,569	\$718,331

96 Jurors' Fee Reduced. Amend RSA 500-A:15, I to read as follows:

I. Grand and petit jurors' fees and mileage shall be paid by the state. The jurors' fees shall be [\$15] **\$10** for each half day's attendance before a superior court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of \$.20 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which he resides.

97 Court Modernization Fund Extended. Amend RSA 502-A:37, III to read as follows:

III. The fund created in this section shall lapse on June 30, [1994] **1998**, to the general fund.

98 Court Modernization Fund Extended. Amend 1989, 408:124, III to read as follows:

III. Sections 82, **II and IV**, and 83-84 of this act shall take effect July 1, [1994] **1998**.

99 Witness Fees Reduced. Amend RSA 516:16 to read as follows:

516:16 Attendance; Travel. The fees of witnesses shall be [\$30] **\$12** for each **half** day's attendance before a municipal, district, superior, or probate court or legally constituted auditors, referees, magistrates or officials having the power to summon witnesses, except as otherwise specially provided; for each mile's travel to and from the place of testifying, mileage shall be paid at the rate of \$.17 per mile;

mileage to be allowed for each day's attendance where the witness is required to leave the town or city in which he resides to testify.

100 New Section; Indemnification of Chief Medical Examiner. Amend RSA 611-A by inserting after section 11 the following new section:

611-A:12 Indemnification of Medical Examiner. The provisions of RSA 99-D shall apply to the chief medical examiner and any other medical examiner employed in the office of the chief medical examiner for claims arising from the scope of their official duties, including, but not limited to, the practice of forensic pathology and the practice of clinical forensic medicine.

101 Effective Date Change; Literacy Instruction. Amend 1988, 274:10, I-a as inserted by 1989, 301:6 to read as follows:

I-a. RSA 189:54, II as inserted by section 3 of this act shall take effect July 1, [1991] **1992**.

102 Fines for Crimes Doubled. Amend RSA 651:2, IV(a) and (b) to read as follows:

(a) Any individual may not exceed [~~\$2,000~~] **\$4,000** for a felony, [~~\$1,000~~] **\$2,000** for a misdemeanor, and [~~\$500~~] **\$1,000** for a violation.

(b) A corporation or unincorporated association may not exceed [~~\$50,000~~] **\$100,000** for a felony, [~~\$10,000~~] **\$20,000** for a misdemeanor and [~~\$500~~] **\$1,000** for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

103 Rehiring of Laid Off State Employees. Amend 1990, 261:1, I as amended by 1991, 4:10 to read as follows:

I. For purposes of this act, "laid off" means any person laid off between January 1, 1990, and [June 30, 1991] **June 30, 1993**, as a result of 1990, 1:16 or any other state law.

104 Effective Date Change for SB 157 Relative to Bingo. 1991, 264:4 is repealed and reenacted to read as follows:

264:4 Effective Date. This act shall take effect upon its passage.

105 Transfers Within PAU; Indigent Defenders. Notwithstanding RSA 9:16-a, the executive director of the judicial council, after certification to the commissioner of administrative services that transfers are necessary to carry out the functions of indigent defense, is authorized to transfer funds within PAU 01, 04, 01, 02, 04, indigent defenders.

106 Loss of Taxes. The commissioner of revenue administration shall compute the payment for lost taxes under RSA 219:32 as follows:

I. Add together the high and low value in the highest range of values within the forest land category, as set by the current use advisory board pursuant to RSA 79-A, then divide by 2 to arrive at the per acre value;

II. Multiply the per acre value by the number of acres on which application for loss of taxes is made, to arrive at the total assessment, to be further adjusted by the equalization ratio;

III. Multiply the assessment by the local municipal tax rate to arrive at the payment due to the town, reduced in accordance with RSA 219:29, and adjusted for equity in accordance with RSA 219:33.

107 Positions Reclassified. Notwithstanding any law, rule, or executive order to the contrary, the following positions within the multiple offender program and funded in PAU 05, 01, 01, 03, 07 are hereby reclassified:

I. Position number 19048 is reclassified from substance abuse counselor II, labor grade 15, to cook II, labor grade 8.

II. Position number 19049 is reclassified from substance abuse counselor II, labor grade 15, to cook I, labor grade 7.

III. Position number 19034 is reclassified from substance abuse counselor I, labor grade 13, to dormitory supervisor, labor grade 7.

108 New Paragraph; Borrowing Authority; Pease Development Authority. Amend RSA 12-G:27 by inserting after paragraph II the following new paragraph:

III. In lieu of a state guarantee under this section, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding the total state bond guarantee authorized in RSA 12-G:27, I to make a loan or loans to the authority for the purposes of this chapter, and issue general obligation bonds or notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal of and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority. The principal amount of bonds of the authority that may be guaranteed by the state under paragraph I of this section shall be reduced by the amount of bonds issued by the state under this paragraph.

109 New Section; Annual Operating Budget; Quarterly Reports. Amend RSA 12-G by inserting after section 27 the following new section:

12-G:27-a Annual Operating Budget; Bonding; Quarterly Reports.

I. The board shall approve and submit an annual operating budget to the fiscal committee and the governor and council.

II. The issuance of bonds under 12-G:27, III to pay operating costs of the authority which are not included in the annual operating budget shall be subject to the approval of the fiscal committee and governor and council.

III. Until such time as the authority is self-funding, the board shall submit quarterly financial reports on its revenues and expenditures to the governor, the senate president, and the speaker of the house.

110 Appropriation; Pease Development Authority. A sum not to exceed \$2,800,000 is appropriated to the Pease development authority for its operating budget for the fiscal year ending June 30, 1992, upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee.

111 Bonds Authorized. To provide funds for the appropriation made in section 110 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$2,800,000 and for said purpose may issue general obligation bonds or notes in the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

112 Declaration of Purpose; Review of Operations of State Government.

I. The general court finds that from time to time the budget process should be augmented by a thorough review of government operations undertaken in partnership with the private sector in order to achieve efficiencies and economies.

II. The general court recognizes that a review of the operations of state government to identify efficiencies and economies which can be achieved by structural or operational changes should be conducted during the 1992-1993 biennium. The general court further recognizes that the participation of individuals from the private sector with appropriate knowledge, skills and experience will further the success of this undertaking.

113 Task Force on Government Operations Established; Membership; Duties and Responsibilities; Reports.

I. There is hereby established the task force on government operations which shall consist of public members appointed jointly by the governor, president of the senate and speaker of the house in numbers they deem appropriate. Members of the committee shall serve without compensation.

II. A member of the task force shall not use his office for personal gain or act in manner to place a private interest in conflict with the public interest. A member shall abstain from voting on matters

in which he has a financial interest, whether personally or through a spouse or dependent. If in doubt, he may submit a written request for advice to the attorney general, who shall make a ruling as to whether he may vote on a matter.

III. The task force on government operations shall review aspects of government operations including, but not limited to, the following: purchasing; space, both owned and leased; communications, including telephones, mailing and printing; property and equipment other than real estate; asset management; and organization.

IV. The task force on government operations shall make recommendations about, but not limited to, the following aspects of government operations: purchasing equipment and supplies; contracting for services; managing capital assets; and organizing human resources.

V. The task force on government operations shall have the authority to compel the cooperation of department heads and the production of documents necessary to carry out its objectives, except when such requests would be inconsistent with state law.

VI. The task force on government operations shall prepare an interim report and submit it to the governor, the speaker of the house, and senate president no later than November 1, 1991, and submit a final report to the governor, the speaker of the house, and senate president no later than June 30, 1992.

114 Statement of Purpose.

I. The general court finds that:

(a) New Hampshire Savings Bank has offered its properties in downtown Concord for sale to the state of New Hampshire; and

(b) This offer constitutes a window of opportunity for the state of New Hampshire to acquire existing office and parking space in the capitol area government center; and

(c) The present and future presence of state government in the downtown area is important to the economic well-being of the city of Concord; and

(d) The city of Concord has traditionally relinquished certain parking revenues to provide parking in the civic complex for legislators; and

(e) Purchase of these New Hampshire Savings Bank properties would provide additional parking for immediate use as well as an opportunity for the state of New Hampshire and the city of Concord to cooperate in developing a joint plan for future off-street parking in the downtown area.

II. Therefore, the general court declares it to be in the interests of the state of New Hampshire to acquire these New Hampshire Savings Bank properties for both present and future government

use, provided that the state is able to negotiate a price which reflects the current downturn in real estate values.

115 Department of Administrative Services; Capitol Area Government Center; Appropriation. A sum not exceeding \$5,000,000 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of administrative services for the sole purpose of acquiring, renovating, and rehabilitating land and buildings suitable for general office space in the capitol area government center. Within the limits of the appropriated amount, the department of administrative services is authorized to negotiate the purchase of such land and buildings. Such purchase agreement may include an arrangement for leasing back a portion of the land or buildings acquired to the seller. Plans for the acquisition, renovation, rehabilitation and occupancy of any land or buildings to which this section is applicable shall receive prior approval from the governor and council and the joint committee on legislative facilities. After expenditures are approved by the governor and council and the joint committee on legislative facilities, the resulting contracts shall receive such review and approval as required by state law. This appropriation shall be non-lapsing and is in addition to any other funds appropriated to the department of administrative services.

116 Bonds Authorized. To provide funds for the appropriation in section 115 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$5,000,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with of RSA 6-A.

117 Payments. The payment of principle and interest on bonds and notes issued for the project in section 115 shall be made when due from the general fund.

118 Committee Established. There is hereby established a committee to study the future utilization of such property as may be acquired pursuant to this act.

119 Membership.

I. The committee members shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) One member appointed by the governor.

(d) One member representing the city of Concord, appointed by the mayor of the city of Concord.

II. The committee members shall be appointed within 30 days of the effective date of this act. The committee shall elect a chairperson from among its members at the initial meeting of the committee.

120 Duties of the Committee. The committee shall:

I. Determine the availability and need for off-street parking for legislators and for state and city employees.

II. Review previous state and city parking studies.

III. Authorize such additional parking studies as may be required.

IV. Study and make recommendations concerning the best use of existing parking areas and structures, including the 2 city-owned garages and the Storrs Street parking lot.

V. Study and make recommendations regarding the feasibility of the state of New Hampshire transferring property with a tax value comparable to the property acquired under section 2 of this act to the city of Concord or any private entity.

121 Report. The committee shall submit a report on its findings, including any recommendations for legislation, to the president of the senate, the speaker of the house and the governor not later than November 1, 1991.

122 Mileage. Legislative members shall receive mileage at the legislative rate when attending to the business of the committee.

123 AFDC Funds. The sum appropriated for AFDC grants currently — PAU 05, 01, 04, 04, 01 class 90 shall remain in such class and shall not be reduced during the biennium ending June 30, 1993. If the amount expended in each of 3 successive months is less than 1/12 of the total appropriation for that fiscal year and the number of open AFDC cases in each of those 3 months is less than the number of open AFDC cases in the prior month, the director of the division of human services, under RSA 167:7 may, with review and approval of the fiscal committee, transfer to emergency assistance an amount necessary to utilize the accumulating surplus as projected during that fiscal year.

124 Vacant Positions; Abolishment; Reestablishment.

I. Any position which is funded wholly or partially by state general funds and which is vacant on June 30, 1991, is abolished.

II. The provisions of paragraph II shall not apply to the New Hampshire hospital, the Glencliff home for the elderly, and the veterans home.

III. There is appropriated the sum of \$750,000 for the fiscal year ending June 30, 1992, and \$750,000 for the fiscal year ending June 30, 1993, in order to reestablish positions abolished by paragraph I. An agency may request to the fiscal committee and the governor and council that a position abolished by paragraph I be reinstated. Upon a demonstration by the agency that the continuation of the position is necessary for the protection and safety of New Hampshire citizens or for the effective and efficient operation of state government, the governor may, upon review and with the approval of the fiscal committee, approve the transfer of funds from the appro-

priation made in this paragraph to the agency for the purpose of reestablishing such position. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

125 Factfinder's Report Rejected. The legislature hereby rejects the recommendations of the factfinder's report dated February 11, 1991, regarding collective bargaining between the state and the state employees association.

126 Committee to Study Misdemeanors. The house judiciary committee shall study crimes which are misdemeanors in this state and make recommendations on the reclassifications of misdemeanors. The committee shall prepare a report, including recommendations for legislation for the 1992 legislative session, and submit it to the speaker of the house on or before November 1, 1991.

127 Transfers by Director of the Division of Mental Health and Developmental Services. Notwithstanding any other provision of law, including the provisions of RSA 99:4 and RSA 9:17-a through 17-c, during the biennium ending June 30, 1993, the director of the division of mental health and developmental services is authorized to transfer with the approval of fiscal committee and governor and council from New Hampshire Hospital sub-component 05, 01, 05, 06, 07, classes 010-060, Transitional Housing — DD to Bureau of Developmental Services, sub-component 05, 01, 05, 03, 03, class 093, Community Residences and from classes 010-091 to class 093 within sub-component 05, 01, 05, 03, 03, Community Residences, such sums as are necessary to provide contracted community-based services for former residents of Laconia developmental services and New Hampshire hospital.

128 Training for Social Workers and Juvenile Services Officers. The division for children and youth services may transfer up to \$200,000 each fiscal year for the biennium ending June 30, 1993, in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services-permanent in components 05, 01, 03, 02, 01 and/or 05, 01, 03, 02, 09 to class 91, training, in component 05, 01, 03, 02, 01 to provide training for social workers and juvenile services officers.

129 Authority to Adjust Operating Budget Amounts and Totals. The legislative budget assistant shall have the authority to make adjustments in amounts and totals in section 1 of HB 25-A of the 1991 legislative session made necessary by the passage of this act.

130 Reduction of Personnel Services and Benefits. The appropriation for personnel services and benefits is hereby reduced by \$24,000,000 in general funds for the biennium.

I. The governor, and the exclusive bargaining representatives of the state bargaining units acting jointly, shall negotiate these reductions which may include, but may not be limited to, areas such as health benefits, furloughs, early retirement or any other personnel cost savings.

II. The parties shall submit the proposed agreement to the fiscal committee on or before September 9, 1991. No agreement shall be considered acceptable to the committee unless the committee determines it is consistent with the legislative intent and in the public interest. The agreement shall be effective upon the approval of the fiscal committee.

III. If no agreement has been reached by the parties, the exclusive representatives of the bargaining units and the governor shall submit their respective last best offers to the fiscal committee on September 9, 1991. The fiscal committee shall approve or reject, consistent with existing law, any or all of the individual components of the 2 offers presented by the parties to achieve the required reductions or after September 23, 1991, to be effective on or before October 4, 1991.

IV. The governor shall apply the terms of any approved agreement or fiscal committee action to unclassified and by-letter employees as well as to classified employees, regardless of source of funding.

131 Effective Date. This act shall take effect July 1, 1991.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6
Sen. Russman, Dist. 19
Sen. W. King, Dist. 2

*Conferees on the Part
of the House*

Rep. Gross, Merr. 16
Rep. Hager, Merr. 21
Rep. C. Brown, Graf. 13
Rep. Schotanus, Sull. 1

AMENDED ANALYSIS

This bill:

(1) Changes the requirements for fiscal notes on bills and resolutions.

(2) Establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

(3) Requires the state to pay a premium rather than the full premium for medical and surgical benefits.

(4) Requires the department of administrative services to compile annual health insurance group coverage surveys.

(5) Establishes the unclassified position of revenue counsel in the department of revenue administration.

(6) Establishes the unclassified position of chief operations officer in the department of environmental services.

(7) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(8) Changes the salary of the secretary of the New Hampshire retirement system from group M to group N.

(9) Provides that the state will pay for 2-person coverage for medical benefits for retired group II employees with the retiree authorized to pay for the coverage for any other person entitled to such benefits.

(10) Increases fees for birth registration cards and for copies and verifications of vital records and establishes a vital records improvement fund.

(11) Changes procedures for burial and transit permits.

(12) Authorizes the division of public health services to impose administrative fines for violations of public health laws and authorizes the commissioner of health and human services to charge a reasonable sum for copying costs of documents. Moneys so collected would be deposited in a special fund and would be continually appropriated.

(13) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(14) Increases the fee for elevator inspection certificates and repeals the boiler and elevator inspection fund.

(15) Requires local assistance payments not to be made in cash, so as to enable recipients to obtain a greater food stamp allotment.

(16) Requires the liquor commission to negotiate reimbursements for emergency services provided by municipalities to liquor stores on interstate highways.

(17) Amends provisions of law relating to the serving of liquor in cocktail lounges and advertising of liquor prices.

(18) Exempts the school improvement program from competitive bidding.

(19) Allows the department of fish and game to transfer funds over budget estimates.

(20) Removes the requirement that fees for the state park system and state-owned ski areas be set by administrative rule.

(21) Requires that civil penalties collected for violations of RSA 281-A, the workers' compensation law, be deposited into the general fund instead of the administration fund.

(22) Makes minor technical changes to RSA 293-B, the treatment of New Hampshire investment trusts.

(23) Abolishes the office of securities regulation and makes the attorney general and the secretary of state responsible for enforcement and administration of the securities laws.

- (24) Reduces jurors' fees.
- (25) Extends the court modernization fund.
- (26) Reduces witness fees.
- (27) Provides for indemnification of the medical examiner.
- (28) Changes the effective date for literacy instruction.
- (29) Doubles fines for violations, misdemeanors, and felonies.
- (30) Extends the effective date for rehiring of laid off state employees.
- (31) Changes the effective date of SB 157 relative to bingo.
- (32) Allows transfers within the PAU for indigent defenders.
- (33) Establishes a method for computing payment for lost taxes under RSA 219:32.
- (34) Reclassifies certain positions in the multiple offender program.
- (35) Makes a bonded appropriation to the Pease development authority for its operating expenses for fiscal year 1992.
- (36) Establishes a task force on government operations.
- (37) Authorizes the department of administrative services to acquire, renovate and rehabilitate land and buildings suitable for general office space in the capitol area government center and authorizes the state treasurer to issue bonds and notes for the purposes of this bill.
- (38) Establishes a committee to study the future utilization of such property as may be acquired pursuant to this bill, and the feasibility of transferring property of comparable tax value to the city of Concord or any private entity.
- (39) Allows the transfer of funds appropriated for AFDC under certain circumstances.
- (40) Abolishes certain vacant positions.
- (41) Rejects the factfinder's report on collective bargaining.
- (42) Establishes a committee to study different classes of misdemeanors.
- (43) Allows the director of the division of mental health and developmental services to transfer certain funds.
- (44) Allows the transfer of funds relating to juvenile services officers.
- (45) Reduces the appropriation for personnel services and benefits.

Senator Hough moved concurrence with the Committee of Conference report.

Recess.

Senator Currier in the Chair.

SENATOR HOUGH: You have a report on the Conference on HB 65. You also know that this is the so called trailer bill. I think that it would be easier if you would address the questions and if I can't answer them, the LBA staff is here to provide you with a specific answer to the pieces as you go through it.

SENATOR HEATH: Mr. President, there are those of us in the room who are concerned about the nongermaneness of this piece of legislation. The precedent that it will set, in allowing it in. I wondered if I could have from you, as Presiding Officer, the rationale for the amount of disparate items of this. It seemed to have no germaneness?

PRESIDENT DUPONT: Senator, as you recognize having been here for a long time, that on the Committee of Conference on the Budget, that the budget act cannot contain footnotes that deal with policy issues. There is always as a result of that ruling by the Supreme Court, there has been a bill that accompanies the budget bill. This is the bill before you at the present time. It does not have to be allowed in. It is in at this point in time, because we are allowed to address Conference reports today. There is, as I explained to many members of the Senate that have asked me about this bill, that a number of the items that are in here, were in here before this body prior to this session. They are not all new, but there are specific pieces that have addressed issues that were before this legislature this session, that were under discussion by this body. I guess the question that I would respond to is the germaneness of this piece of legislation. The ruling is in affect that it is germane, because it deals with the budget act, which affects the operations of all of state government.

SENATOR HEATH: What is the title, all I have is the number, what is the title of HB 65?

PRESIDENT DUPONT: An act relative to administration and enforcement of the securities law, state employee benefits, and state fees, funds, revenues, and expenditures. I think that encompasses quite a bit, Senator.

Recess.

President Dupont in the Chair.

SENATOR NELSON: I rise with some trepidation and concern. It really pains me to have to say this, but I would like to point out that on page 27 of this particular piece, with the liquor store reimbursement for Emergency Services. I find that to be something that shouldn't be in the legislature. It is precedent setting. If we are re-

imbursing this town of Hampton because the state is putting something over there, then I certainly think that other cities and towns in the state that have properties put there by the state should also be reimbursed. Let's take a look at the state prison. Let's take a look at some of the other places that state property has been put there. I strongly oppose this particular piece of legislation. There are 3 liquor stores in Nashua, and granted you can tell me they are on the highway, granted you can tell me that they are on the interstate. The fact of the matter is, that they are state employees. They make money for the state. It doesn't change the fact. Why should the taxpayers of Nashua, Manchester, Londonderry, or any other place that there is a liquor store, have to be responsible when there is an emergency for fire equipment? It is absolutely precedent setting, and it shouldn't be in there.

Recess.

Senator Currier in the Chair.

SENATOR HUMPHREY: Senator Hough, I am looking at page 57 of this "catch-all-Christmas tree bill" and there is one ornament on the tree that I find in particular unacceptable. That is the proposal to attempt to buy the New Hampshire Savings Bank building. This provision beginning on page 57, authorizes negotiations to purchase that building and apparently adjacent property which constitutes parking space, for as much as \$5,000,000. Why do we need the building? Has there been a need established for this property?

SENATOR HOUGH: Section 114 I believe, on page 57 as part of the Conference report on HB 65. That is the answer.

SENATOR HUMPHREY: It is not a very enlightening answer, may I say. I would like to repeat this question. What is the need for this building? Why should we authorize expenditures of up to \$5,000,000 unless some need has been established?

SENATOR HOUGH: The need is the Conference report on HB 65. It is part of the negotiated agreement between the two bodies.

SENATOR HUMPHREY: Was the Senator a Conferee?

SENATOR HOUGH: Absolutely.

SENATOR HUMPHREY: Was the matter discussed?

SENATOR HOUGH: Absolutely.

SENATOR HUMPHREY: Will the Senator enlighten us just a tiny bit further, about the thinking of whoever it is, who insisted on the inclusion of this item?

SENATOR HOUGH: The Conferees.

SENATOR HUMPHREY: The Conferees want it, and we should support it, because the Conferees want it, is that the answer?

SENATOR HOUGH: That may be your answer.

SENATOR HUMPHREY: Well I repeat the very simple, but obvious question. What is the need for this building? What is the need for this expenditure?

SENATOR HOUGH: It is simple, out of the conflict between the two bodies, that is the need.

SENATOR HUMPHREY: Well then, Mr. President, may I ask another question of the Senator, perhaps we can get an answer to this question. It uses the term Capital Area Government Center, what is that?

SENATOR HOUGH: That is the Capital Area Government Center.

SENATOR HUMPHREY: Can the Senator tell us what that means?

SENATOR HOUGH: TAPE INAUDIBLE.

SENATOR HUMPHREY: So in other words the negotiations are not limited just to the New Hampshire Savings Building, but to any property that falls within something called the Capital Area Government Center which no one seems to be able to define?

SENATOR HOUGH: Oh, it emanates out from the State House.

SENATOR HUMPHREY: Then the whole state emanates from the State House. And is this, I noticed that it says that the appropriation shall be non-lapsing. Does that mean that this search can go on forever, irrespective of the disposition of the New Hampshire Bank property? This is an eternal search emanating from the Capitol throughout some undefined region, anything up to \$5,000,000 is unclear?

SENATOR HOUGH: Senator, this is non-lapsing.

SENATOR HUMPHREY: Well, I was afraid that it means what it says, and indeed it does. At some point I would like to speak on this issue, Mr. President.

PRESIDENT DUPONT: I understand that there are going to be specific pieces of this document that there is going to be some disagreements on within this body. I again come to you with the request for your support, because what this represents is again, the labors of the Conference Committee. There are things in here that are necessary to affect the savings that we were able to realize from

going back into the budget. This is a necessary document for the support of this budget. I know Senator Nelson raised an interesting issue and I would only not respond directly by saying that we do have some liquor stores that are on interstate highways that are owned by the state of New Hampshire that do not pay taxes to the communities in which they are located. If that makes them a little bit different than the other stores that tend to be in downtown areas and in shopping centers that are privately owned that are paying property taxes to the communities in which they are located. It does not give a blank check to the Liquor Commission to go out and pay for services. It merely says that they shall negotiate, sit down, and try to work that out. I know there's been a question raised about the office building. I have been one that has been opposed to the state of New Hampshire acquiring that building. Not because I don't believe that it might have some future value to this government to own that. We have all been appraised of what this state government has done during the last few years in trying to reduce the cost of renting space in Concord, and reduce the cost of housing state offices. While the language might seem broad to Senator Humphrey, what it basically does, it doesn't go out and buy the New Hampshire Savings Building. What it basically does, is give the opportunity for negotiations to continue or to start with New Hampshire Savings over the possible acquisition. As with any other legislation that approves a purchase of a capital item, there is a negotiating process that has to take place. It comes back to this Legislature, the Facilities committee, and the Governor and Council before any activity would take place. I have given the assurances to the members of the Republican party that met up in my office at noontime to discuss the budget, as I'm sure that our colleagues in the Democratic party have also recognized, that I believe the time might not be now to do this. But certainly, if the opportunity presents itself for us to purchase this building and reduce the cost of renting space in the Concord area to state government, then that's something that I think all of us support. So hopefully, when you look at this document, you'll not just recognize the one piece that you don't particularly care for, but you might recognize, in fact, that there is a lot of work that has gone into this document that saves the state of New Hampshire a significant amount of money. I've heard the speeches that have been on the floor of this body about cutting the cost of state government. I believe that we brought you back a document, both in 65 and in the budget, that in effect accomplishes some of the things that many of the people in this body have spoken to when they have stood on this floor.

SENATOR HEATH: Senator King, as a civil rights advocate, prominent in the discussion of civil rights, I wondered if you could explain to me what happened to the office of Securities Regulation in this bill?

SENATOR W. KING: The Office of Securities Regulation is split into 2 segments. The first is split into the Secretary of State's Office. That would be the filing of applications, the paperwork would go to the Secretary of State's Office. What would be done by the Attorney General's Office would be the enforcement of securities laws. There was a significant saving of dollars here, but there were other issues involved. One of which had to do with the ease of applications. Currently, if an individual wants to file an application for securities, they have to go to the Office of Securities, then they have to go back over to the Secretary of State's Office, completely across town and register the name of their company. If the company is then already taken, they then must go back to the Office of Securities and file again and then come back again to the Secretary of State's Office. In part, it reflects cost savings, and in part, it reflects the concern that we have had in this Senate for making it easier for businesses to operate in the state of New Hampshire and in part, it reflects some problems that have occurred in the Division itself in terms of its ability to serve the business community in the state of New Hampshire.

SENATOR HEATH: Do you feel, Senator King, that there has been no infringement upon any individual's civil rights in doing this little piece of business?

SENATOR W. KING: Senator Heath, first of all, I would remind you that this little piece of business as you have put it, was done by the House and that the Senate's position was concurrence with the House's position. That the House of Representatives did the women's work in terms of making the determination that this should happen. It was not based on personalities in any way. It was based strictly on what is good business and the Office of Securities was not living up to its job.

SENATOR HEATH: Senator, could you tell me why the position taken on the Fraser amendment was not sustained?

SENATOR W. KING: In large part, because the House wasn't willing to go along with the Senate on that.

SENATOR HEATH: Senator King, I guess I don't understand why the House has such impact on this one, and so many other times everything drew to a halt and the hour came to 2 o'clock in the morning on a couple of occasions, because the Senate was intransigent on its position on other issues. What was the difference between this issue, so readily thrown overboard and the other issues?

SENATOR W. KING: Senator Heath, as you know, this process is a process of compromise where you work towards a common goal. There is give and take on both sides in order to achieve that. Senator Dupont has just told you that the issue of the Bank Building across the street was something that he had to swallow hard on in order to make this package happen. That is something that gets done on a regular basis in this place.

SENATOR HEATH: Senator King, can you tell me without cracking a smile, that it was somewhat difficult to give up on that issue?

SENATOR W. KING: Not for me, no, it wasn't. I have said since June that the Office of Securities was poorly run and that it was not serving the business community.

SENATOR HUMPHREY: Mr. President, if I correctly understand the situation with regard to this New Hampshire Savings Bank Building, and if I don't correctly understand it, someone will help me, I hope. This is a provision in which the Senate has never before spoken. It was inserted in the Conference. Let me ask that of the Chair. Did any bill pass the Senate dealing with this issue, this year?

SENATOR CURRIER: It passed the House, not the Senate.

SENATOR HUMPHREY: So it was never acted on by the Senate?

SENATOR CURRIER: That is correct.

SENATOR HUMPHREY: Was such a bill filed?

SENATOR CURRIER: In the Senate?

SENATOR HUMPHREY: Yes.

SENATOR CURRIER: I don't believe so.

SENATOR HUMPHREY: The bill was introduced and tabled. So this provision got inserted in Conference. It is a matter about which the Senate has never spoken in any definitive way, and here it is before us. We ask Senator Hough to give us some elicitation of the matter and we get stone-walled. We're told that we should vote for it because it is in the Conference report. That doesn't seem quite good enough to me. Especially in view that the Senate has never deliberated this issue, much less voted on it. It wasn't heard, it wasn't discussed on the floor, there was no vote, it's a brand new measure and we can't even get from the Conferees a decent explanation of the purpose of this appropriation. This looks to me like empire building on the part of the General Court. It is well known that the House wants that Building for a Legislative Office Building. I think it is a mistake for us to roll over and go along with this. We are going to be

back tomorrow, because we have to be here in case the House overrides the cigarette tax veto. We are going to be here anyway, why don't we take this provision out of this bill? Does anyone here want to defend this? Does anyone here see any good reason why we should be rolled by the House and then stone-walled by our Conferees. I think that we should take this out here. I think that we ought to reject this Conference report and require the Conferees to adopt the Senate position in opposition to the acquisition of this building. I urge my colleagues to do that. I want to say also on the subject of the Securities Office, that whatever may be said in here, the fact of the matter is, that a person's right to free speech has been squelched. It is unfortunate that the Senate Conferees caved in to the House on this matter. Our position was that the office should go under the Office of The Department of Insurance, whereas the employees would be free to participate in the political process. Not only have we abolished the Office of Securities Regulation, but we have placed it's director in an office if he takes a job there, where he can't participate in the political process. It is also well known that he is the State Director of the National Rifle Association and a very active person in the political process. Now he has the choice, and he has a family so it is an awfully easy choice of taking a job, assuming one is offered in the Attorney General's Office. He has the choice of supporting his family or giving up his right to free speech in his participation in the political process. I think that this has been a shameful chapter. It could have been avoided if our Senate Conferees had adhered to the practical and principal compromise that the Senate offered in this matter.

PRESIDENT DUPONT: I would like to respond briefly to a couple of things that have been said. Number one, Securities for the Conferees that know what happened in the Conference, they will affirm the fact that this Securities issue is one of the last ones on the table and that I did in fact ask the House, repeatedly, to go along with the Senate position. For those who have followed this process, Senator Fraser did an extensive amount of work and I think came to the recognition that some changes did need to be made. Certainly, I am one that is not happy about the whole way that this thing went. I have spoken to Mr. Rubega a couple of days ago, and obviously, as indicated by a couple of members of this body, that there are some hard feelings on the part of those who have been involved in this. I just want to make it clear that the Senate position was fought for and this was one particular area where we were not successful. The second issue is, the Office Building across the street. We will, after this is passed, have some language coming in at the request of myself that will make it clear that this Building is not going to be used

by the Legislative Bodies. That it in fact, puts the control of the building under Administrative Services as other state buildings are. As I indicated earlier when I stood here, this makes sense. It is not an acquisition of a building, it's a right to negotiate. I want to make that clear to the members of the body. You are not giving up the control. What you are basically doing, is allowing the state of New Hampshire to perhaps acquire an opportunity to state agencies in lower cost space that they are presently in. That is a goal that we have all been trying to achieve. So, Mr. Chairman, I will end with that. Thank you again, for allowing me to speak.

SENATOR HUMPHREY: Senator Dupont, will the Senator inform us in what form this legislation will come that he just described?

PRESIDENT DUPONT: Senator, there is a Governor and Council as I am sure that you recognize, that would have to approve any acquisition of this Building. There is also a Legislative Facilities committee that is responsible for making sure that you have a chair to sit in and a desk to work at as well as staff, even though I know you don't believe you have enough staff, but that is their responsibility. This committee is responsible for making sure that the lights get turned on in the morning in the State House and that the phone system works, so we are also responsible for the facilities in which you work. When this legislation was originally drafted, it was drafted in a manner that had that decision coming back to the Facilities committee and the Governor and Council, and it still does; However, Senator Hough, at my request, has prepared an amendment to another bill that is coming before us today that will in fact, clarify, that the control of this building does not reside in the hands of the Legislature.

SENATOR HUMPHREY: Is there any established criteria that requires that the building be purchased or restricts the purchase of the building only to circumstances where that building will provide space at a cost less than presently utilized space. In other words, that seems to be, that is one of the arguments the Senator is using. But how does he know that that criterion will be used?

PRESIDENT DUPONT: Senator, I guess I have to rely on the ability of those who are going to do the negotiating for the state of New Hampshire, which is the Department of Administrative Services which has spent the last 3 years moving state agencies about. There has been a significant movement of agencies from one building to another. In fact, in the document that you have before you, we are moving Revenue Administration for the purposes of taking some higher priced state office space and moving them into Revenue Administration's Building at a lower cost. We saved approximately half

a million dollars over the next two years doing that. So it would be my intent as I indicated earlier today, that if you read the legislation, it basically says that to take advantage of our real estate environment that is not exactly in good shape at the present time, as you also know. There is a task force built into this to take a look at all of those issues. My expectations are, as we all know, the New Hampshire Savings Bank has some financial difficulty and there may be some solutions to that that are imminent that may provide what we may perceive to be an excellent opportunity to save the state of New Hampshire some money.

SENATOR HUMPRHEY: Where did this \$5,000,000 figure come from? Has there been any kind of appraisal?

PRESIDENT DUPONT: Senator, I believe that there has been an appraisal and I believe that it is higher than that number, significantly higher.

SENATOR HUMPHREY: If that is the case, I would certainly distrust that appraisal. Unless it has been done in the last 20 minutes, it is not valid in any case. But if it has been appraised for \$5,000,000, we are about to get snookered. That building, more than likely, is going to end up in the inventory owned by the FDIC. More than likely, New Hampshire Savings is going to be forcibly merged into another institution. More than likely, that new institution will not need that building, and therefore, as part of that deal of the merger, the agreement with the federal authorities, that the ownership of that building will fall into the ownership of the FDIC and you will be able to buy that thing for a song in about 3 months.

PRESIDENT DUPONT: Senator, I would remind you that to buy it for a song, you have to have a vehicle in which to conduct the negotiation. So hopefully, they will take just a song. But I believe that they will want some hard money for it. I also would remind you that at this point in time, if we buy it for a song, then there is the opportunity to collect some savings for state government which I am sure you will agree is a good thing.

SENATOR HUMPHREY: Yes, indeed, if it is bought for the right reasons, namely, to save money, then I would certainly support it. I thank the Senator for his explanations. I certainly hope that the standards which he has erected, will be followed by the parties to whom we are now giving authority to act almost in a blank check fashion, up to \$5,000,000, to any building within this Capitol Area Government Center, not just New Hampshire Savings.

PRESIDENT DUPONT: If that was a question, Senator, I would just respond by saying that there is no intent to buy any other building in the Capitol area. That the purpose of this appropriation is in

fact, to look at the acquisition of that building, the Legislative Facilities committee members from the Senate will not agree for any other acquisition other than the one that I have spoken to you about on the floor today. I hope that I have helped you understand it at this point?

SENATOR HUMPHREY: Well the Senator has, and I thank him for that clarification.

SENATOR HOLLINGWORTH: I will make this brief. What it does is, during economic times, it provides funding at a level funding which we can be proud because we stay in line with trying to cut cost and not to exceed cost. On the general budget, there is only a 3 percent increase. Not only does it keep the cost down, but it does so by providing those services to our adults, our elderly, our children, to our young people who are looking for a job in the future through education. Also it does not place any burden on our property taxpayers. It sends no burden back to our cities and towns, and in fact, it fully funds our cities and towns. No cost back to our counties. It does not place an increased burden on business, and in fact to the contrary, what it does for business is it gives them credits and opportunity to develop economic development and jobs in rough times. It was not an easy budget to come by. Many of us who sat through the process, saw emotions run high at all times. There was pain and suffering to go around for everyone in the Committee of Conference. I think everyone worked extremely hard to provide what this Senate wanted and what the House, I believe wanted. There was not a more difficult part of the budget than what happened in the state employees piece, in my opinion. Yet, I think that we can be pleased at what has happened, although we do not like the fact that we have to put a burden at all on our state employees. I think we came to an agreement between the Governor and his people and the state employees that will result in cost savings. But I don't want there to be any misunderstanding, that in the future, it is the intent of this Legislature, to modify or interfere with our constitutional authority of the legislative bodies. The Executive of the collective bargaining process established our process. It is not our intent that this process be a substitute for bargaining processes needed to be achieved with collective bargaining achievements of the state employees. I want that in the record. I read that because I want it to be established that it is not this body's intent to do that process. What we are attempting to do, is trying to bring the sides together to negotiate. I believe that that will happen. I was there during the process between the Governor's representative's and the SEA employees, and they have promised a good faith effort to achieve those goals. What is important to us, the House and the Senate members, is to promise to them that if

we should achieve more money between the time that this budget, their part of the budget becomes effective, we will reduce their burden. We will try to make that burden on our state employees less. It will serve no one, the state employees, the citizens of this state to have massive layoffs, and I do not believe that that is the intent of anyone who was involved in this process. In fact, what I think that they have done, is to bend over backwards to assure us that in the event that state employees must be affected, that everyone across the board will be affected. It will not just be the rank and file state employee, but everyone. I would ask you to support this budget because I feel that it is the best that we can do during these economic times. I thank again, both the House and the Senate Conferees for their hard work, particularly the staff who have served more, and again, I would like to say state employees, who have worked far beyond the capacity that I think is humanely possible in some of the hours that they have had to put in. I thank them and the House and the Senate Conferees.

SENATOR DELAHUNTY: I rise before you in support of the Committee of Conference report. I do so having been a minor participant in a compromised budget that appears before you. The process has left me with a good understanding of the hard work that went into the creation of the document. We all should be very proud of the Senate and the House Conferees and commend them for their tireless efforts and the many hours which they spent negotiating this document. In addition to the Conferees, many members of this Senate have played an active and substantial role in this process. Without their hard work and dedication, the Senate Conferees would have had a more difficult time in producing a Senate position, which accurately reflected the concerns of this body. As in every piece of legislation, there are things contained within this budget that are acceptable to some, and not acceptable to others. Every Senator who participated in this process, brought with them their ideas in certain areas. Each and every one of us in this room has different opinions on one area or another. Although, not always successful, those who work for the Finance, and the Conferees, were provided with the opportunity to express their concerns and suggest an alternative. This is the art of compromise, and a solution can usually be reached on a reasonable basis. Whether they agreed or disagreed, the efforts of these individual Senators, has been very valuable and we should all be very grateful and appreciative of their efforts. When they had a problem, they pointed it out to the Conferees or Senate Finance. They worked on finding a solution together and in the end, I believe for the most part, supported the outcome. On the other hand, there may be some members of this body who for vari-

ous reasons are unhappy with the outcome, and will end up opposing this document you have in front you. Unlike the group of Senators mentioned previously, opponents of this document in some instances have choosen not to support the overall budget. Because of special interest or perhaps because they deem it the popular thing to do, too much spending, not enough cuts, or perhaps some of the remarks were made that the Senate is full of liberals. These are the usual arguments and the battle cries. My question to these folks are, where were you during the process? Did you suggest your alternatives? Did you participate in or attend a Committee of Conference session to support your position? If you did so, I apologize. But without specifics, you were not objective or helpful in solving the problems now facing our state. These are extremely difficult times. Times which require all of us in state government to roll up our sleeves in search for solutions. In the Senate, we have for the most part, put aside our political differences and concentrated on the business at hand. The passage of a document which fulfills the needs of the people of the state of New Hampshire as effectively as possible. It has been a long year, under very trying circumstances, at various times. I believe that every member of this body has in his or her own way, sincerely worked hard to represent the needs of their constituency. I believe that the document that we are voting on here today, is a result of all of your efforts to do just that. I thank you all for your efforts and urge your support. Thank you very much.

SENATOR HEATH (Rule #44): I am going to speak under rule #44, because I sensed, and I think that everybody in this room senses that some members of this body have just been attacked. I resent it. I am surprised at its source. I can tell you that it would be fine to be invited to be part of the process except that I have sat through this whole session watching the process being abused in an extraordinary fashion. The cat today, was deafness from the member who has just attacked the conservatives in this body. Deafness on the part when you have the numbers and I requested a roll call. I am prepared this next time, in case you are not blind, but I suspect that you will claim bad eyesight when that moment arrives. But I have never, I always hear at the end of the session, how we have done all of these wonderful compromises and everybody should be really happy and this really represents the majority of the Senate. Maybe it does, but I have never heard members attacked for not coming forward when it has been perfectly clear, what our suggestions have been in terms of reducing the budget. It has been perfectly clear, that we don't as conservatives and members of this body have the numbers to impose our will. Nor do we have the willing cooperation of the Leadership of this body to have any concessions thrown in our direction, any

scraps of meat in the budget process or the taxing process and so on. I resent the suggestion that we should have sat here till 2 in the morning through walkouts, through ego-trips, through all of the drum roles of dramatics that this process has degenerated to this session so that we could have some small scrap thrown our way and have our arm twisted to vote for this budget which some of us find is, and I could almost read the remarks of Senator Bartlett in the 1985 one as overinflated and it is going to lead to further problems and should not be passed. I don't understand why the Majority Leader of this body, even after he has the votes to push this budget forward, he had to take such a swipe at those of us who have been opponents to both the process as it has been distorted here and to the product. That doesn't mean that I don't respect those members who have worked hard and won their point of view. I do respect that. I don't think that any member of this body deserves that kind of a tongue lashing. I would hope that on reflection, Senator Delahunty would withdraw those portions of his remarks so that the honor of this body could continue. Thank you.

SENATOR DELAHUNTY: Senator Heath, I appreciate your concerns. I am surprised at your remarks pertaining to my deafness and my potential blindness. You and I discussed the situation, the problem up at the podium. I thought that you fully understood what took place at the time. There is no question in my mind, Senator, I am surprised again, because I thought that you were a very effective part of the process and one of the observations that I made during the process was that you were there, continuously, and were certainly not bashful in presenting your concerns over the budget. I think you were very helpful, whether you think so or not in participating to formulate the budget that is now presented. For that I certainly appreciate your efforts. It was not meant to slap anybody's wrist or be offensive to anybody, but it's a matter of what I observed. It's not a team opinion. I am very concerned about the process as you are, and we have discussed it on several occasions. The views that I presented, were as I see them. I can also tell you that the two or three major issues that were brought up, were discussed. I think that you know it. During the process on several occasions and if there were concerns, I think that's the time that those concerns should have been expressed and brought up, and maybe the presentation of the budget wouldn't be as you see it here today. We could have resolved some of the questions on some of the issues and some of the concerns that are being brought up today. If those people were participating in bringing those arguments up in the process. Thank you.

A Roll Call was requested by Senator Heath.

Seconded by Senator Humphrey.

Paired Votes: Senators Pressly & Nelson.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, McLane, Poldes, J. King, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Colantuono, Humphrey, St. Jean.

Yeas: 18

Nays: 4

Committee of Conference Report is Adopted.

Recess.

Senator Dupont in the Chair.

COMMITTEE OF CONFERENCE REPORT

COMMITTEE OF CONFERENCE REPORT ON HB 669-FN

The committee of conference to which was referred House Bill 669-FN, An Act relative to the borrowing authority of the state treasurer having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 State Treasurer; Borrowing Limit Raised; Repayment Time Specified. Amend RSA 6:13, I and II to read as follows:

I. When it is anticipated that there will not be sufficient general funds in the treasury for the payment of obligations, the treasurer, under the direction of the governor and council, is authorized to borrow on the state's credit such sums as may be necessary, not to exceed the amount authorized by the governor and council, provided that at no time shall the indebtedness of the state, pursuant to the authority granted by this section exceed the sum of [\$70,000,000] **\$125,000,000.**

II. Unless otherwise provided by the governor and council, the treasurer shall have the authority to borrow at one time, or from time to time, up to the aggregate amount authorized by the governor and council under this section, and to determine the amounts, dates, maturities, and other details of each borrowing, **provided that each such indebtedness shall be repaid from revenues within one year.**

Amend the bill by deleting section 2 and renumbering 3-5 to read as 2, 3, 4 respectively.

Amend the bill by replacing all after section 3 with the following:

4 Small Scale Power Facilities; Declaration of Purpose. Amend RSA 162-I:1, IV to read as follows:

IV. It is hereby declared that there is a need for the development of small scale power facilities in the state in order to reduce the state's dependence on fossil fuels, better utilize the state's energy sources, **provide stable and affordable sources of energy for businesses and citizens of the state**, preserve or increase the social or economic prosperity of the state and its political subdivisions and promote the general welfare of the state's citizens.

5 Small Scale Power Facility; Definition Modified. Amend RSA 162-I:2, X-a to read as follows:

X-a. "Small scale power facility" shall be an eligible facility and means any facility which is suitable for producing electric energy from biomass, waste, geothermal energy, or renewable resources including, but not limited to, the flow of water, and which has a rated capacity of not more than 80 megawatts, **or any facility that is used to produce, collect, generate, transmit, store, distribute, or convey electric energy or gas and is part of a system providing service to the general populace of one or more communities or municipalities, but in no event more than 2 contiguous counties.**

6 Small Scale Power Facilities; Special Findings of Governor and Council. Amend RSA 162-I:9, II(a)(8) to read as follows:

(8) If the facility is a small scale power facility, the governor and council shall find that the establishment and operation of the facility are likely to reduce the state's dependence on fossil fuels and to utilize better the state's energy sources **or are likely to provide the communities served by the facility with a more affordable or reliable source of electric energy or gas than would have been available in the absence of the facility;**

7 Effective Date.

I. Sections 4-6 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1991.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6

Sen. Hough, Dist. 5

Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. Gross, Merr. 16

Rep. Hager, Merr. 21

Rep. C. Brown, Graf. 13

Rep. Schotanus, Sull. 1

AMENDED ANALYSIS

This bill increases the amount the state treasurer may borrow on the state's credit. This bill also limits the borrowing authority of the state treasurer so that each amount borrowed shall be repaid from revenues within one year.

This bill also reapportions the state ceiling on private activity bonds between the industrial development authority and the housing finance authority. This bill also requires the industrial development authority and housing finance authority to consider the needs and priorities of agencies prior to assigning the state ceiling in any calendar year.

This bill also modifies the definition and purpose of small scale power facilities as they relate to the financing of such facilities by the industrial development authority.

Senator Hough moved concurrence on the Committee of Conference report.

SENATOR HUMPHREY: Senator Hough, could you please explain the changes and the difference between this report, the bill, that passed the Senate?

SENATOR HOUGH: I would be happy to. As you recall when we passed the bill, there was a two-year hiatus, if you will, on the bonding limit up to \$175, I believe, and that was approved by this Senate. At the time it was a question of whether we need that capacity in resolution of our biennial budget. Events are different than they were at the time that the body passed that section with the two-year sunset. So the Conference has reverted back to the bill as passed by the House at \$125, Senator. The previously moved Senate position.

SENATOR HUMPHREY: In any event, the report raises the short-term debt limit from 70 to 125 . . .

SENATOR HOUGH: There has never been any question about that fact and that is what is necessary.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Podles.

Paired Votes: Senators Pressly & St. Jean.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Nelson, Colantuono, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Humphrey.

Yeas: 20

Nays: 2

Committee of Conference report is Adopted.

Recess.

Out of recess.

ANNOUNCEMENTS

RESOLUTION

Senator Delahunty moved that the Rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

RESOLUTION

Senator Delahunty moved that the business of the day being completed, the Senate recess for the purpose of House Messages and Enrolled Bills reports, and when we adjourn we adjourn till Thursday, June 27, 1991 at 2:30 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 40-FN, relative to certain state taxes.

Recess.

Out of recess.

Senator Currier moved that we adjourn.

Adopted.

Adjournment.

June 27, 1991

The Senate met at 2:30 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, I think that they are going to pass the budget come hell or high water! I hope that this is the last day until next year which I am interested in. It shall be interesting elections and to see who made it.

It is hotter than "Dutch Love" outside. God Bless you Lord, and thank you for coming forth as good as you did! See you. Amen.

Senator Disnard led the Pledge of Allegiance.

INTRODUCTIONS

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 65-FN-A, relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures.

The House of Representatives as adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 25-A, making an appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 35, making appropriations for capital improvements.

Senator Currier moved adoption.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 64-FN-A

The committee of conference to which was referred House Bill 64-FN-A, An Act relative to establishing a tax on nuclear station property and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 83-D:6 as inserted by section 1 of the bill by replacing it with the following:

83-D:6 Application of Credit. If the person liable for the tax imposed by this chapter is a member of a unitary business within the meaning of RSA 77-A:1, XIV, then the entire amount of the tax due

under this chapter shall be allowed as a credit pursuant to RSA 77-A:5, VI, against the tax liability of such unitary business under RSA 77-A.

Amend the bill by replacing all after section 4 with the following:

5 Appropriation. The sum of \$19,091 for the fiscal year ending June 30, 1992, and the sum of \$14,693 for the fiscal year ending June 30, 1993, are hereby appropriated to the department of revenue administration for the purpose of administering the tax imposed in section 1 of this act. These sums shall be in addition to any other funds appropriated to the department of revenue administration. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 New Paragraphs; Compensation and Eligible Employee Defined. Amend RSA 77-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Compensation", for the purposes of RSA 77-A:5, VII, means all wages, salaries, fees, bonuses, commissions, or other items, including the following employee benefits: health, life and disability insurance and pensions, profit sharing and retirement benefits.

XXII. "Eligible employee" means any individual employed by a business organization who, as of the last day of the applicable tax year:

(a) Has been employed by such business organization for at least 6 consecutive months;

(b) Has not been an eligible employee of such business organization or a substantially similar predecessor business organization for any prior taxable year; and

(c) Performs all but an incidental portion of services at a location or locations within the state. For the first taxable year in which the job creation tax credit allowed under RSA 77-A:5, VII, is effective, no employees employed on the first day of such taxable year shall be treated as eligible employees of such business organization for such first taxable year or any succeeding taxable year. For purposes of this paragraph, the commissioner is authorized to adopt rules pursuant to RSA 541-A to define the terms "substantially similar predecessor business organization" and "incidental portion of services."

7 Factors Used in Apportionment; Apportionment Factors Adjusted. Amend the introductory paragraph of RSA 77-A:3, II(a) to read as follows:

II.(a) [The average of the 3 percentages in paragraph I] **A fraction, the numerator of which shall be the property factor in subparagraph I(a) plus the compensation factor in subparagraph I(b) plus 1.5 multiplied by the sales factor in subparagraph I(c) and**

the denominator of which is 3.5, shall be applied to the total gross business profits (less foreign dividends) of the business organization to ascertain its gross business profits in this state. If this method of apportionment does not fairly represent the business organization's business activity in this state, the business organization may petition for, or the commission may require, in respect to all or any part of the business organization's business activity, if reasonable:

8 Determining Reasonable Compensation. Amend RSA 77-A:4, III to read as follows:

III.(a) In the case of a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the personal services of the proprietor or partners actually devoting time and effort in the operation of the [enterprise] **business organization**. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship or partnership only of such amounts as are fairly attributable to the personal services of the proprietor or partners **who are natural persons, but not to permit deduction of any amounts as are fairly attributable to a return on business assets or the labor of non-owner employees of the business organization**. [Such amounts would generally be the amount reported as earned income on federal income tax returns, but would also include compensation for operating rental property, amounts deemed to be reasonable commissions on the sale of property, and other amounts due to services rendered. If there is occasion to determine] **The burden shall be upon the business organization filing the return to demonstrate the reasonableness of a deduction claimed under this paragraph, by a preponderance of the evidence. In considering** the reasonableness of a deduction claimed under this paragraph, the commissioner shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume and complexity. In addition, the commissioner shall take into account the value [of the proprietorship or partnership] **to the business organization** of the labor of its **non-owner** employees, [the proprietor, or any of the partners,] and the use of [their property] **the business assets of the business organization** and any other factor which may reasonably assist the commissioner in making a determination **as to the reasonableness of the claimed deduction**. [Such determination by the commissioner shall be deemed reasonable unless the taxpayer proves to the commissioner; by a preponderance of the evidence upon the standards set forth in this paragraph and after notice and hearing, that the deduction claimed by the taxpayer is not grossly excessive. Provided, that a taxpayer ascertaining its gross business profits in this state by the allocation

procedure established in RSA 77-A:3 is allowed only such percentage of the deductions allowable in paragraphs II, III, and IV as has been applied by it in ascertaining its gross business profits in this state. Provided further that subject to the preceding sentence, a minimum deduction of \$3,000 shall be allowed on account of the proprietor or each partner actually devoting time and effort in the operation of the enterprise.]

(b) The amount of any deduction claimed under subparagraph (a) shall not exceed the amount reported as earned income from the activities of the business organization as reflected on the federal income tax returns of the proprietor or partner rendering such personal services, but may also include an amount not to exceed net rental income as compensation for operating rental property, and an amount not to exceed 15 percent of the gross selling price as commissions on the sale of business assets. Provided, that subject to the preceding sentence, a minimum deduction of \$6,000 shall be allowed on account of the proprietor or each partner who is a natural person actually devoting time and effort in the operation of the business organization.

9 Total Amount of Credit Allowed. Amend the unnumbered concluding paragraph of RSA 77-A:5 to read as follows:

Provided, that the total amount of any [such credit allowed] **credits allowable under this section** shall not exceed the tax due under this chapter.

10 New Paragraphs; Credits for Job Creation and Capital Expenditures. Amend RSA 77-A:5 by inserting after paragraph VI the following new paragraphs:

VII. There shall be allowed a job creation tax credit equal to 15 percent of the compensation, as defined in RSA 77-A:1, XXI, paid during the taxable period to eligible employees, as defined in RSA 77-A:1, XXII, provided, however, that in no event shall the total number of eligible employees for which the tax credit is taken exceed the increase in the total number of employees from the previous tax period to the current tax period. In the event that the excess of (a) the total number of employees in New Hampshire on the last day of the current taxable period over (b) the total number of employees in New Hampshire on the last day of the previous tax period is less than the total number of eligible employees for the current taxable period, then the total amount of compensation for which a credit may be taken shall equal such excess multiplied by the average compensation of such eligible employees. Furthermore, the total credit allowed under this paragraph shall not exceed 5 percent of the tax due under this chapter before any credits under RSA 77-A:5 are taken into account. The job creation tax credit allowed under this paragraph shall take effect July 1, 1992, and shall apply to

returns and taxes due on account of taxable periods ending on or after July 1, 1992, for a period of 5 years only. The job creation tax credit allowed under this paragraph shall not be allowed for taxable periods ending on or after July 1, 1997.

VIII. In the case of a business organization which is eligible for a tax deduction for capital expenditures under section 179 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, an amount equal to 10 percent of:

(a) That portion of the cost of section 179 property situated in this state; or

(b) In the case of a taxpayer which apportions its gross business profits under RSA 77-A:3, that portion of the cost of section 179 property included in the numerator pursuant to RSA 77-A:3, II(a). Provided, that a credit shall not be allowed for any portion of the cost of section 179 property for which an election has been taken under section 179(a) of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, and that in no event shall the credit allowed under this paragraph exceed 5 percent of the tax due under this chapter before any credits under RSA 77-A:5 are taken into account, and provided further, that the credit allowed under this paragraph for capital expenditures shall take effect July 1, 1991, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1991, but only with respect to capital expenditures incurred on or after July 1, 1991, for a period of 5 years only. The credit allowed under this paragraph for capital expenditures shall not be allowed for taxable periods ending on or after July 1, 1996.

11 Rate of Tax for Biennium Ending June 30, 1993, Real Estate Transfer Tax. Notwithstanding the provisions of RSA 78-B:1, I and 1989, 416:4, for the period beginning July 1, 1991, and ending June 30, 1993, the rate of the tax is \$.525 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$21. The tax imposed shall be computed to the nearest whole dollar.

12 Rate of Tax for Biennium Ending June 30, 1993, Meals and Rooms Tax. Notwithstanding the provisions of RSA 78-A, the tax imposed under RSA 78-A:6 shall be imposed as follows for the period beginning July 1, 1991, and ending June 30, 1993:

I. A tax of 8 percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) Three cents for a charge between \$.36 and \$.37 inclusive;

(b) Four cents for a charge between \$.38 and \$.50 inclusive;

(c) Five cents for a charge between \$.51 and \$.62 inclusive;

- (d) Six cents for a charge between \$.63 and \$.75 inclusive;
- (e) Seven cents for a charge between \$.76 and \$.87 inclusive;
- (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;
- (g) Eight percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

13 Rate of Tax for Biennium Ending June 30, 1993, Communications Services Tax. For the period beginning July 1, 1991, and ending June 30, 1993, there is imposed a surcharge of 100 percent on the tax imposed under RSA 82-A:3 and 82-A:4 on the gross charge for communications services purchased at retail from a retailer.

14 New Section; Tax Expenditure Report. Amend RSA 77-A by inserting after section 5 the following new section:

77-A:5-a Tax Expenditure Report. On or before February 1 of every calendar year the commissioner shall certify to the general court and the governor an analysis of each of the past year's credits allowed under RSA 77-A, RSA 83-C, RSA 83-D, RSA 84, and RSA 400-A against the business profits tax imposed by this chapter.

15 New Sections; Application of Credit. Amend RSA 84 by inserting after section 24 the following new sections:

84:25 Application of Credit. If the bank or corporation liable for taxes imposed by this chapter is a member of a unitary business within the meaning of RSA 77-A:1, XIV, then the entire amount of the taxes due under this chapter by the individual member of such unitary business shall be allowed as a credit pursuant to RSA 77-A:5, II, against such individual member's portion of the total tax liability of the unitary business under RSA 77-A. In the event that the individual member's credit exceeds such member's portion of the total tax liability of the unitary business, the excess of such credit shall be allowed as a credit against any other individual member's tax liability under RSA 77-A, provided such other member is also subject to the tax imposed by this chapter. The commissioner of revenue administration shall adopt rules, in accordance with RSA 541-A, to determine an individual member's portion of the total tax liability based upon each member's activity within New Hampshire.

84:26 Application of Credit to Certain New Hampshire Banks and Bank Holding Companies. Notwithstanding the provisions of RSA 84:25, any New Hampshire bank or New Hampshire bank holding company which has been subject to resolution by the state banking department or federal bank regulators during fiscal year 1992 or fiscal year 1993 shall be permitted to transfer any credit for taxes paid under this chapter during such fiscal year period to any acquiring New Hampshire business organization to be used against such acquiring business organization's tax liability under RSA 77-A. The

banking commissioner and the commissioner of revenue administration may adopt rules, pursuant to RSA 541-A, to implement the provisions of this section.

16 Technical Correction. Amend the introductory paragraph of RSA 77-A:3, I to read as follows:

I. A business organization which derives gross business profits from business activity both within and without this state, and which is subject to a net income tax, a franchise tax measured by net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed, shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion of such business profits. Except as provided in this section, such apportionment shall be made on the basis of the following 3 factors[, equal weight to be given to each]:

17 New Paragraph; Application of Credit. Amend RSA 400-A:32 by inserting after paragraph IV the following new paragraph:

V. If the insurer liable for the taxes imposed in paragraphs I and II of this section is a member of a unitary business within the meaning of RSA 77-A:1, XIV, then the entire amount of the taxes due under this chapter by the individual member of such unitary business shall be allowed as a credit pursuant to RSA 77-A:5, III, against such individual member's portion of the total tax liability of the unitary business under RSA 77-A. In the event that the individual member's credit exceeds such member's portion of the total tax liability of the unitary business, the excess of such credit shall be allowed as a credit against any other individual member's tax liability under RSA 77-A, provided such other member is also subject to the tax imposed by this chapter. The commissioner of revenue administration shall adopt rules, in accordance with RSA 541-A, to determine an individual member's portion of the total tax liability based upon each member's activity within New Hampshire.

18 Appropriation. The sum of \$100,000 for the biennium ending June 30, 1993, is hereby appropriated to the department of revenue administration for the purpose of administering the tax expenditure report authorized in section 14 of this act. This sum shall be in addition to any other funds appropriated to the department of revenue administration. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

19 Nonseverability. It is the intent of the legislature that sections 1 and 2 of this act be considered a unit and their provisions inseparable. If any provision of sections 1 and 2 of this act is declared unconstitutional, then sections 1 and 2 and all of their provisions shall be invalid.

20 Severability. Except as provided in section 19, if any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this act are severable.

21 Effective Date.

I. Sections 1-5 and 11-12 of this act shall take effect July 1, 1991.

II. Section 13 of this act shall take effect for gross charges collected from the taxpayer by a retailer on or after August 1, 1991, for communications services purchased at retail on or after July 1, 1991.

III. Section 8 of this act shall take effect July 1, 1991, and shall apply to returns and taxes due on account of taxable periods ending on or after January 1, 1991.

IV. Section 9 of this act shall take effect July 1, 1991, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1991.

V. Section 6 and the provisions of RSA 77-A:5, VII as inserted by section 10 of this act shall take effect July 1, 1992, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1992.

VI. Section 7 and 16 of this act shall take effect January 1, 1992, and section 7 shall apply to returns and taxes due on account of taxable periods ending on or after December 31, 1991.

VII. The provisions of RSA 77-A:5, VIII as inserted by section 10 of this act shall take effect July 1, 1991, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1991, but only with respect to capital expenditures incurred on or after July 1, 1991.

VIII. Sections 15 and 17 of this act shall take effect on July 1, 1991 and shall apply to taxes and returns due on account of taxable periods ending on or after July 1, 1991.

IX. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Russman, Dist. 19
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. D. Sytek, Rock. 20
Rep. Hayes, Merr. 21
Rep. Cowenhoven, Hills. 9
Rep. Gureckis, Hills. 30

AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

This bill also amends the business profits tax by:

(1) Amending the reasonable compensation deduction for proprietorships and partnerships.

(2) Adding new definitions for compensation and eligible employee tax credits.

(3) Amending the apportionment formula.

(4) Adding new tax credits for job creation and capital expenditures.

The bill also extends the increased rates for the real estate transfer tax, the meals and rooms tax, and the communications services tax for the biennium ending June 30, 1993.

The bill imposes a surcharge on the rate of tax on communication services of 100 percent for the biennium ending June 30, 1993.

The bill amends the application of credits allowed for insurers and banks against the business profits tax.

The bill also makes an appropriation to the department of revenue administration for the biennium for the purpose of administering an annual tax expenditure report.

Senator McLane moved concurrence with the Committee of Conference report.

SENATOR MCLANE: It is with pride that I rise to say that 64 before you has everything in it that the Senate worked for. It raises more than \$100,000,000 and if you voted for the budget, I'm afraid we have to vote for this too. It includes the Nuclear Tax, the two year extensions of the Telecommunications, the Real Estate Transfer, and the Room and Meals Taxes. It has a clearer definition of reasonable compensation under the Business Profits Tax. It has the Senate's tax credit Package. A tax expenditure of \$12.8 million. But it provides incentives to encourage economic activity. There is a Job Creations Tax credit of 15 percent of compensation for eligible employees up to a maximum of 5 percent of the Business Profits Tax.

There is a Tax Credit of 10 percent on capital investment up to 5 percent of the Business Profits Tax. There is the unitary treatment of insurance companies and banks, which would allow both in and out-of-state banks and insurance companies to take a credit for their Business Profits Tax and Franchise Tax against a takeover by an out-of-state or in-state company. I think perhaps it would be most helpful if I read today, some words from a man who is most familiar to one of you, but whom all of you know and respect, being the Bank Commissioner. I would quote from his testimony before HB 64, in speaking of the Senates tax credits. He said "I express in strongest terms our general need for a certain kind of relief. As the guardian of the safety and soundness of the state's banking institutions, I must be able to assist in the attraction of outside capital to banks in this state which need capital. Let me assure you that New Hampshire banks are now grid locked in what is commonly referred to as a credit crunch. Mainly because of limited available capital within this state and from outside this state. We are competing with other state's for capital. We must apply to consolidations in-state as well as affiliations out-of-state. We are blessed at the present with many sound community banks; however," and he mentioned the number 5. "We also have some smaller banks which cannot attract capital from outside New Hampshire." And he concluded, "Barriers to capital investment at this point, are more than just wrong, they are dangerous. Not only to our state's banking system, but to its entire economy." I would conclude by saying already on the national financial markets the reputation for the state's, being about to adopt a package of credit for capital credit for incentives to business has gained national recognition. It is said that we would be a leader in New England in attracting capital and getting our economy moving again. For all these reasons, I ask you to vote for HB 64.

SENATOR HUMPHREY: Senator McLane, is there anything in this which came out of the Conference that in anyway bears on Rockingham Racetrack?

SENATOR MCLANE: No there is not.

SENATOR HUMPHREY: Can the Senator advise us of which is transpiring in that area in respect to tax policy?

SENATOR MCLANE: I believe that the Rockingham Racetrack issue is addressed in an amendment to another bill which will be before us at a later time if the House passes such a bill.

SENATOR HUMPHREY: I thank the Senator.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Currier.

Recess.

Out of recess.

Paired Votes: Senators Pressly & St. Jean.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Colantuono, Humphrey.

Yeas: 19

Nays: 3

Committee of Conference report is Adopted.

Senator Pressly is excused for the day.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills and Resolution sent down from the Senate:

HB 40-FN-A, relative to certain state taxes.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:

HB 649-FN, relative to the cigarette tax.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which referred the following entitled Bill:

HB 669-FN-A, relative to the borrowing authority of the state treasurer.

COMMITTEE OF CONFERENCE REPORT ON HB 322

The committee of conference to which was referred House Bill 322, An Act relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 10 with the following:

10 Establishment of Development Districts. Amend RSA 162-K:5 to read as follows:

162-K:5 Establishment of Districts; Limitations. **Upon a finding that such action will serve public purposes, the legislative body of the municipality may create within its jurisdiction development districts.** Not less than 60 percent of the area of any development district shall consist of land which has been platted and developed. The area of a district shall not be enlarged after 5 years following the date of designation of the district. [At the time of the designation of a development district, the municipality shall, by formal action, adopt one of the 3 alternative restrictive options specified in paragraphs I, II and III of this section. Any development district established while a prior development district is still subject to a tax increment financing plan under this chapter shall conform to the option chosen for the prior district.] **Municipalities establishing development districts shall comply with one of the following limitations:**

I. The total acreage included in any one development district when designated shall not exceed [one] **1 1/2** percent of the total acreage of the municipality, and when added to the total current acreage within the development districts for which bonds remain outstanding shall not exceed 3 percent of the total acreage of the municipality.

II. The total assessed value of taxable real property of any one development district when designated shall not exceed 5 percent of the most recent total assessed value of taxable real property in the municipality, and when added to the current total assessed value of taxable real property within development districts for which bonds remain outstanding, shall not exceed 10 percent of the most recent total assessed value of taxable real property in the municipality.

[III. No development district shall exceed 10 acres.]

11 Time for Taxpayers to Appeal for Redetermination or Reconsideration to Department of Revenue Administration.

Amend RSA 21-J:28-b, I to read as follows:

I. Except as otherwise provided by law, any taxpayer against whom an assessment or demand for payment has been made by the department may petition for redetermination of such assessment or demand for payment within [30] **60** days after notice of the assessment or demand for payment.

II. Any taxpayer aggrieved by the denial of the department to make a refund requested pursuant to this chapter may petition for reconsideration of such claim for refund within [30] 60 days after notice of such denial.

12 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15

Sen. Russman, Dist. 19

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. D. Sytek, Rock. 20

Rep. Cowenhoven, Hills. 9

Rep. Hayes, Merr. 21

Rep. Gureckis, Hills. 30

AMENDED ANALYSIS

This bill:

(1) Updates the reference to the United States Internal Revenue code in the business profits tax.

(2) Updates references to the definition of manufactured housing in the real estate transfer tax and in the homestead exemption.

(3) Clarifies, for real estate transfer tax purposes, that a transfer of title between spouses is exempt when pursuant to a divorce decree.

(4) Changes the notice required to a retailer or taxpayer under the communications services tax.

(5) Adds new provisions relative to the duties of the commissioner of revenue administration and the confidentiality of department records.

(6) Amends the requirements for establishing development districts in municipalities.

(7) Changes the time within which taxpayers may make appeals for redeterminations or reconsiderations to the department of revenue administration from 30 to 60 days.

The sections of the bill relative to state taxes and their administration were requested by the department of revenue administration.

Senator McLane moved concurrence for the Committee of Conference report.

SENATOR MCLANE: This is a bill about the development districts. The statute was written about 10 years ago. It talks about a development district that is only 10 acres large. There have been many that are bigger than that and it was just holding some sort of economic development in some towns. A development district is, obviously, at the request and the vote of the governing body or city council. It allows the city to make some sort of deal with the developer to say, if you pay for the roads and you pay for this and that,

your tax money can go to that for so many years. It is a very individual thing within various communities. It is a development tool that they need and we felt that it should go forward. I am not exactly sure why it's so late in the process and for that I apologize.

Adopted.

SUSPENSION OF THE RULES

Senator Hough moved that the Rules of the Senate be so far suspended to allow for HB 549-FN, relative to early retirement for state employee group I members of the retirement system, dispense with the holding of a hearing, the notice of a committee report in the calendar, and that the bill be put on Second Reading at the present time.

SENATOR BASS: Senator Hough, I have an amendment here dealing with Rockingham Park. Is it your intention also, to offer that as a floor amendment or some other member of the Senate on this bill if we let it in?

SENATOR HOUGH: Senator Bass, I need direction.

SENATOR BASS: My question is, if we are going to suspend the rules, I think that we should know what we are doing it for?

SENATOR HOUGH: No, seriously, Charlie. This is the only bill. I don't know anything about Rockingham Park. I am making a motion to suspend the rules to allow for HB 549 to be placed on second reading at this time. Presently, it resided in Finance. If that motion prevails, I will offer a floor amendment relative to correcting the language in 65 as it relates to the Savings Bank Building. If in striking everything HB 549, if that amendment passes, that bill will be on second reading and open to further amendment. If it does not pass, HB 549 relative to group I retirement will be before us and that would be on second reading, open to further amendment. There is a third question that may be proposed as a floor amendment. Simply suspend the rules, get a bill before us, decide what you want to use that bill for.

SENATOR HUMPHREY: Mr. President, is it possible to phrase the request to suspend the rules so as to deal with just one amendment? Can we deal with that and then perhaps there is another request to suspend the rules with respect to another amendment?

PRESIDENT DUPONT: Senator, it is my understanding and I will call this without asking the Clerk. That the suspension is on allowing the bill to be put on second reading and open to amendment. At that point in time the individual amendments would be dealt with, one at a time.

Division vote.

A 2/3 vote required.

Yeas: 18

Nays: 4

Suspension is Adopted.

Senators Heath and Humphrey in opposition to HB 549.

SENATOR HOUGH: This amendment to begin with, amends the bill by replacing all after the enacting clause with the following. So it strikes everything that is in 549 relative to early retirement of group I members. It then proceeds to address the New Hampshire Savings Bank property acquisition that we discussed yesterday in 65. If you look at the first bracket on the first page has the word renovation deleted. Flip the page, rehabilitation and occupancy deleted, new word, utilization is added, and building, first word, second line is deleted. Now as it has been promoted to me when I had the amendment drafted, this satisfies the concern of the Governor's office, relative to the eventual acquisition of this land and building and use exclusively by the Legislature. The utilization of any land is a concession that the parking spaces over there would be used for the Legislature. The use of the building, renovations, and the occupancy, if we ever acquire it, will be handled under the provisions 65 that establishes a study committee for the utilization of the building. Simply put, if we were to buy it, we will then study who gets to use it or what parts of it as opposed to buying it exclusively for the House or exclusively for the Executive Branch.

SENATOR COLANTUONO: Senator Hough, yesterday when we discussed 65, it became apparent that there was some problem with the language of this. I think the concern of most Senators was that this building would be used as the rumors abound, for a House Office Building. The concern that I had, was that the expenditure had to be approved by the Governor and Council and the Joint committee on Legislative Facilities. If it were the case that this was going to be used for regular state offices, why wasn't that language taken out of this amendment and put under Capital Budget over to you or some other committee? In other words, my question is, what does the Joint committee on Legislative Facilities have to do with regular state office buildings?

SENATOR HOUGH: On page 59 of 65, there is a study committee established for making recommendations concerning the best use of parking areas and structures.

SENATOR COLANTUONO: Why wasn't that taken out? If it is not going to be a Legislative Office Building?

SENATOR HOUGH: I guess I can honestly tell you there are various people in various branches of government that might have foregone conclusions as to what that real estate could or should be used for. In the event that it ever is acquired by the state, there will have to be this, an assessment of the best use by the state, or which branch it will be. This amendment is at the request of the Governor. He was concerned that it would be bought exclusively for a House or Senate Office. That is why we are putting it in.

SENATOR COLANTUONO: I am reading this correctly that this legislation authorizes \$5,000,000 to be spent to acquire any suitable land or office building within the so called Capital Area Government Center. It is not restricted to the New Hampshire Savings Bank?

PRESIDENT DUPONT: The reason the Facility is in there is because the Facility is responsible for dealing with the office space needs of the Legislature as well as the Constitutional offices in the State House Area Complex, so that is why Facilities is in there.

SENATOR HUMPHREY: I would like to address my question to you, Senator Dupont. The Senator and I had a very useful exchange yesterday about this matter in which the President assured the body that the funds would be used exclusively for the purchase of the Bank of New Hampshire Building or the adjacent property and has just reiterated that. I would like to be assured that this pending amendment does not in any way alter the understanding or the assurance in any way. The assurance that the President gave, namely that the building would not be for use of the Legislative Branch.

PRESIDENT DUPONT: Senator, I cannot give you assurances beyond the length of my term that it might not have some use for the Legislature. There is the conceivable potential in the future that given circumstances beyond my control, that the Secretary of State might need additional space, there might be a Legislative committee that might need to use a room in there. Those are the types of things. It's my understanding and my belief, that if we are going to go ahead with this project at this time, that it should not be done for the use of the Legislature and will not be acquired for that purpose. The reason this amendment takes out renovation, rehabilitation, and occupancy, is to bring the Executive Branch into the decisionmaking about the utilization of the building. That allows it to be used for other things other than legislative.

SENATOR HUMPHREY: I thank the President for those assurances. Just one last point. The President also stated yesterday, that the building would be purchased if it could provide office space at a rate less than presently occupied office space. Does this amendment in any way diminish that assurance?

PRESIDENT DUPONT: No, it does not.

SENATOR HUMPHREY: I thank the Chair again for the clarification. The Senate President has shown a good deal of leadership on this issue and I commend him for it and thank him for the assurances on the basis of which, speaking for myself, I am going to support it.

SENATOR SHAHEEN: Am I correct that all we do if we vote for this is change that one phrase, and that whether this goes up or down we have still authorized the money for the Bank Building?

PRESIDENT DUPONT: That is correct, Senator. But the Chair would reiterate that he believes that this language should be in there.

Senator Currier has moved the question.

Adopted.

Senator Hough offered a floor amendment.

Floor Amendment to HB 549-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the state's purchase and renovation of land and
buildings in the capitol area government center and
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Plans for Utilization to be Approved. Amend section 115 of HB 65-FN-A to read as follows:

115 Department of Administrative Services; Capitol Area Government Center; Appropriation. A sum not exceeding \$5,000,000 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of administrative services for the sole purpose of acquiring, renovating, and rehabilitating land and buildings suitable for general office space in the capitol area government center. Within the limits of the appropriated amount, the department of administrative services is authorized to negotiate the purchase of such land and buildings. Such purchase agreement may include an arrangement for leasing back a portion of the land or buildings acquired to the seller. Plans for the acquisition[, renovation, rehabilitation and occupancy] **and utilization** of any land [or buildings] to which this section is applicable shall receive prior approval from the governor

and council and the joint committee on legislative facilities. After expenditures are approved by the governor and council and the joint committee on legislative facilities, the resulting contracts shall receive such review and approval as required by state law. This appropriation shall be nonlapsing and is in addition to any other funds appropriated to the department of administrative services.

2 Contingency. If HB 65-FN-A becomes law section 1 of this act shall take effect July 1, 1991, at 12:01 a.m. If HB 65-FN-A does not become law, section 1 of this act shall not take effect.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. Section 1 of this act shall take effect as provided in section 2.

AMENDED ANALYSIS

This bill contingently modifies HB 65-FN-A by requiring that plans for the acquisition and utilization of land authorized under section 115 of HB 65-FN-A shall receive prior approval from the governor and council and the joint committee on legislative facilities. HB 65-FN-A requires that plans for the acquisition, renovation, rehabilitation and occupancy of any land or buildings receive such prior approval.

Floor Amendment is Adopted.

SENATOR NELSON (Rule #44): I just want to publicly thank Beverly Hollingworth, who gave me this lollipop. She has worked like a dog, who has been at every meeting, who has worked night and day, harder than any of us, even though I hate the fact that she tried to get more money for Rockingham. I still want to publicly thank her, to let her know that nothing up here is personal, even though I tell these horrid jokes from time to time. She gave me this lollipop and we will be friends forever. Thank you, Beverly.

SENATOR BLAISDELL (Rule #44): There is nothing coming in today, tomorrow, next week, on Rockingham Park. That is out of here now, so you know about it right? But let me talk to you just a little bit about it. The reason that this has been discussed, is because we have been watching what's happened in Massachusetts. Today they passed the Suffolk Downs bill and they are going to open it up. What we tried to do was to say that if they did give a tax break to the people of Massachusetts so they can open up Suffolk Downs and Foxboro to run against Rockingham Park. That we at least in New Hampshire would say to hell with you, we want to be competitive with you and the reason that we want to be is because there is \$170,000,000 off-shoot from Rockingham Park. I'm not the Rockingham Park Senator. I have been to Rockingham Park 5 times in my

life. I want you to know that as Senate Finance Chairman and a member of Finance over the years, I am here to protect the revenue that this State of New Hampshire gets. We lost harness racing because this legislature wouldn't listen to us. That was \$150,000,000 in revenue that we lost. We should never have lost that for the people of this state. They all buy hay here, they all buy groceries here, they all buy gas here. It's a tremendous off-shoot. Close it up and see what you do to the town of Salem. See what happened when it was closed? When we were smart enough to build it out of wood and it burned down. That is the only reason we're here. I feel that as a Senator I'm responsible for revenue and I don't think that we should lose an industry and if you want to sit here and let Massachusetts take it away from you and be the good guy, you be my guest. But Rockingham Park is now the second largest probably, payer of taxes in the state of New Hampshire, other than Seabrook. Before it used to be one. That's the reason that we stand up here and defend it. Because that's the tax structure that you and I have in this state. I'd rather not drink twice as much as we do. I'd rather not smoke twice as much as we do, I'd rather not go to the race track twice as much as we do to fund the things that we have in this state. I would rather do it another way. But I can't pass it in this Senate. If I had my druthers, you know what I'd like to have. But take your time, take a trip over there, see what that place is, see the money that they put into it, see the off-shoot. Really I am upset about it, because everybody looks as if, it's a dog. It's not a dog, it pays people, it employs people. My Hinsdale Raceway, 170 people that they employ and just that little Senate Bill 100 that you put in is going to put 35 more people to work in my area. You're darn right I advocate that. Because it's right. It's lifted the percentages. It's lifted the attendance. It's lifted the take. Last night alone, alone in this state, you took in \$100 thousand more because you broadcast the Simulcast from Meadowlands in New Jersey. Meadowlands gives, by the way, the State of New Jersey \$32,000,000, they love it. Up here we seem to bad mouth them all the time. It's wrong. Rockingham Park is a good part of this state. They employ people and that's what we need in this state. It's too bad we couldn't have one up in your area, Otto, so that we could help your economy up there. It would be great for your people. But that is why we put this thing in there. We aren't trying to hide anything from anybody. But take a look at it and know what you're talking about, when you want to destroy an industry and just want to give it to Massachusetts. I don't want to do that. I want it in New Hampshire. I want you to understand that. No Rockingham Park Bill, you won't have to worry about it for the rest of the day.

SENATOR W. KING: You will notice that the title makes reference to Rockingham Park. There is nothing in this amendment dealing with Rockingham Park. It was inadvertently put on there by Legislative Services. The Economic Development committee, many of you will recall spent a good deal of time at the beginning of this session, looking at all of the organizations and all of the entities that exist in the state that work on economic development initiatives. The reason that we did that was that we wanted to make sure that we got the maximum investment in economic growth in the state of New Hampshire for the minimum dollar expended. One of the entities that we looked at was a Small Business Development Corporation which was established in 1951 by the state of New Hampshire General Court to assist small business development. The problem with utilizing that corporation, was that it was not capitalized. We clearly did not have money in the operating budget to capitalize it. However, we do have the Economic Development Fund that we passed with the Supplemental Budget that would allow us to recapitalize it. The reason that you have this amendment before you is, that we can allow the New Hampshire Small Business Corporation to act like a for-profit corporation in the way that it does business. So if it is able to act that way and to produce the maximum possible economic growth in the state of New Hampshire and assist businesses in a way that gives it the maximum flexibility, this amendment allows New Hampshire Small Business Development Corporation to make corporate charter changes, subject to the business corporation acts as opposed to having to come back to the Legislature every time that it needs to make a change in its corporate charter. It is fairly simple, it just gives it the maximum flexibility to produce the maximum effect in terms of economic development in the state. What that really means is three important things, jobs, jobs, and jobs. Thank you.

SENATOR HOLLINGWORTH: Senator King, the first line. It says amend 1951-328. What is that?

SENATOR W. KING: As you know the state of New Hampshire through the Legislative process back in those days, chartered different corporations, non-profit corporations. So that was the Corporate Charter Law from 1951 that established the Small Business Development Corporation.

SENATOR HOLLINGWORTH: So that is Corporate Law, is . . .

SENATOR W. KING: It is a non-profit entity that was established in 1951. This change merely allows it to use the Business Corporations Act, which is RSA 293-A in order to operate so that it can make changes in its corporate charter without coming to the Legislature every time that it chooses to do that.

SENATOR HOLLINGWORTH: Senator King, has this policy or bill had any public hearing?

SENATOR W. KING: No it hasn't, Senator Hollingworth; however, well, I guess I would say that it was a matter of discussion earlier in the session when we were looking at all of these different entities in terms of Economic Development in the state. At that time, the chief problem was said to be that it was not capitalized. The Small Business Development wasn't capitalized. Obviously, having been through the budgetary process, you know how difficult it would have been for us to come up with dollars to capitalize that out of our operating budget. So it was felt that in order to capitalize, that we needed to give it access to the Economic Fund that we established. In order to do that, they are going to have to make some changes in their corporate charter.

SENATOR HOLLINGWORTH: Is there a reason that we couldn't make this a first order next year?

SENATOR W. KING: I guess Senator Hollingworth, that the best reason that I can give you is 8 months of loss to promoting Economic Growth in the state of New Hampshire.

SENATOR HOLLINGWORTH: If you knew that this was coming up and you knew that this was an option, why did we not get this or a bill earlier in the session where we would have had the process followed?

SENATOR W. KING: Senator Hollingworth, to be very honest with you. This is one of probably 400 things that many of us have been talking about to stimulate the economy in the state of New Hampshire and it fell through the cracks.

PRESIDENT DUPONT: Senator Hollingworth, originally when this was proposed they felt that they could accomplish what they needed to do without changing law. We were advised that no changes were needed. This morning Dick Green showed up at my office with this, saying that the Attorney General's Office has ruled that they cannot in fact do what needs to be done.

SENATOR HOLLINGWORTH: Is there no way that we can have a meeting?

PRESIDENT DUPONT: I believe it deals with them doing a charter change, because the charter was established by the Legislature, that we have to take this action. I only got bits and pieces of it as I was coming into the door, that is why Senator King has it.

SENATOR SHAHEEN: I rise in favor of this bill. First of all it is something that we didn't realize needed to be changed until today as has been pointed out. Shareholders will be voting on any changes. So

there will be a public hearing that will allow people to know what is being changed. So under those circumstances, I think that this is something that we don't want to wait until the next session before we approve. We want the corporations to go ahead and move forward.

SENATOR HUMPHREY: Senator W. King, King of the north. What can this Development Corporation not do under the existing charter that it wants to do under the amended charter?

SENATOR W. KING: It is my understanding, that under the existing charter, it would not be able to recapitalize it from the Economic Development Fund that we created.

SENATOR HUMPHREY: Meaning?

SENATOR W. KING: Meaning that we would not be able to make a loan from the Economic Development Fund to recapitalize the Business Development Corporation.

SENATOR HUMPHREY: Isn't there a more restricted way of doing this if all that is needed is a way to unlock the flash box and pour in the taxpayers fund, then why do we have to give a carte blanche authority to change the charts?

SENATOR W. KING: Senator Humphrey, I guess I would respond by saying this: Yes, there probably is a more restrictive way to do this. But the problem with economic development in general, is that government agencies are often handicapped in their ability to respond to changes in the marketplace because of bureaucratic restraints, that we as a Legislature impose upon them. It was our thought to allow this to be done this way so that as Senator Shaheen has said, there would be a public hearing on changes that were made, but that public hearing could be done in an expeditious way so that it will allow that corporation to respond to the marketplace as quickly as possible.

SENATOR HUMPHREY: Who are the shareholders?

SENATOR W. KING: I guess I would have to say that I don't know the answer to that one. We would have to look that up.

SENATOR HUMPHREY: Well, we are being asked to trust the judgment of the shareholders who will adopt any changes in the charter, but we don't know who the shareholders are.

SENATOR W. KING: I guess, Senator Humphrey, I would just respond by saying that there will be a great number of us who are looking over the shoulders of this corporation and if they do something that is inappropriate in terms of public policy, we will be the first ones to lower the hammer.

PRESIDENT DUPONT: I believe the state, the government itself, is a shareholder in the corporation. Basically, it is an entity created by government back in 1951 as part of a revitalization effort for the state. So it was established for that purpose at that time.

SENATOR HUMPHREY: Is the Senator willing in as much as we are going to be here for some further hours, is the Senator willing to have this redrafted to ordinarily accomplish what he seeks, and yet require Legislative approval with Legislative hearings with any change in this corporations charter?

SENATOR W. KING: Senator Humphrey, my personal feeling is that we should vote this up or down and get it over with, so that we can get out of here.

SENATOR SHAHEEN: I would just like to point out again that this change will still make the corporations subject to corporate law in this state. So it is still going to be governed under the corporate laws that exist, so it is not like we are giving them free rein to do anything that they want to do.

Senator W. King offered a floor amendment.

Floor Amendment to HB 549-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the state's purchase and renovation of land
and buildings in the capitol area government center
and relative to the New Hampshire Business
Development Corporation.

Amend the bill by replacing all after section 2 with the following:

3 New Section; Applicability. Amend 1951, 328 by inserting after section 13 the following new section:

14 Applicable Law. The provisions of RSA 293-A shall apply to the corporation and shall supersede any provision of law to the contrary.

4 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill contingently modifies HB 65-FN-A by requiring that plans for the acquisition and utilization of land authorized under section 115 of HB 65-FN-A shall receive prior approval from the governor and council and the joint committee on legislative facilities. HB

65-FN-A requires that plans for the acquisition, renovation, rehabilitation and occupancy of any land or buildings receive such prior approval.

The bill also makes the provisions of the business corporations act applicable to the New Hampshire Business Development Corporation.

Floor Amendment is Adopted.

Ordered To Third Reading.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 25, making an appropriation for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993.

Senator Currier moved adoption.

Adopted.

Recess.

Out or recess.

RESOLUTION

SR 11, requesting the department of revenue administration to change its interpretation of the legislative intent concerning the applicability of the business profits tax to the sale and rental of personal residences.

SENATOR FRASER: I am here with Wayne King to introduce Senate Resolution 11 for the benefit of the Senate members. The same Resolution was, we asked the House to suspend the rules about an hour ago to bring in this same Resolution and they refused to do so. Senator King has kindly joined me in bringing this as a Senate Resolution. Mr. President, what we are trying to address here is what appears to be a gradual erosion of the Business Profits Tax as interpreted by the Department of Revenue Administration. I know of one instance where a family owned a home and the breadwinner had lost his job. He went to another state to seek employment. He rented his house, he hasn't taken depreciation, he is not using it as a business. But there is some suspicion that he might be subject to the Business Profits Tax. There is another case pending in the courts in New Hampshire right now where somebody is resisting the Department of Revenue Administration's interpretation of the Business Profits Tax. For that reason, although we all know that a Resolution has no

binding, it is not binding in law. We would like to at least alert the Department of Revenue Administration that if this practice is in fact being done, that we object to it.

SENATOR W. KING: We are in what is the worst recession in the state of New Hampshire since the 30's. Many of the people that we serve are finding themselves out of a job and in need of making a move someplace else so that they are able to feed their families and meet their responsibilities. That move at times leaves their house vacant because they are unable to sell it in the current real estate market. It only makes sense for them to be able to rent their house so that they can minimize their monthly losses under those circumstances. We should not be penalized for the economic climate that exists in the state of New Hampshire by saying that if they do something that only makes economical sense to help their family survive. In recognition of the fact that they are unable to sell their home right now, they should not have to then refer to that as business property and use that as business property under the Business Profit Tax in the state of New Hampshire and pay a Business Profits Tax merely for doing what was necessary to survive in this economy. I would urge you to go on record with the Department of Revenue Administration on behalf of your constituents who are in this position, to say that that property ought not to be taxed as business property under the Business Profits Tax.

Adopted.

SENATE RULES

Senate Rule #22: Public hearings to be held and advertised.

SENATOR DISNARD: Earlier in this session when there was some strong differences of opinion, there was a discussion by both groups on both sides of the aisle, that the Senate Rules did not contain any provisions similar to the House, that if a bill would be allowed to be studied and referred back to second year of the biennium. In the House it's referred to Interim Study, shall be a committee report only in the second year. It must be reported out by the 5th legislative day of the second year. All that this does is, it's not snookering anybody, it doesn't raise any taxes, it doesn't cause any problems, it just allows the Senate to be on an even keel with the House if someone has a bill that they're really interested in and they would like to have it studied and brought back for legislative action the second year, that is all that it does.

SENATOR HOUGH: Senator Disnard, I recognize what you are attempting to do and I am not necessarily against it, but you are amending Senate Rules to establish a report of refer in the second

year on the last day of the session. If Senate Rules in the next biennium, the first day of the next biennial session were to incorporate a refer provision and reports were made from January to adjournment in the first year for referred, and that was what the body wanted, so be it. But there is going to be no action from now until the end of this present first year session, so I don't know where the re-refers are going to do us any good come January. A number of bills have been passed with an amendment establishing nothing more than a study committee to be reported to the President and the Speaker on a date certain and with recommendations which would allow for a new bill in the second year. We have interim study. You are really not negating that. Those bills that were reported interim study between January and today, and I think there are 10 to 15 of them, won't be able to come in under this provision, is that correct?

SENATOR DISNARD: Yes, Senator. You know that. Because of you, that section was deleted from the bill. The interim study, that is beyond us, is a way to kill a bill. This Senate has used interim study as a method to kill something that 13 people don't like. All that this does is allow second year report out. The rest of this year the study could be on the floor. It just brings us at an even keel and makes us compatible with the House and be fair to the Senators.

SENATOR HOUGH: I don't have any problem with that, George. The only thing I am asking you is, the timeliness of this. This is the last action of the first session of this first year to introduce into our rules the interim study provision. It is of no use in the second year, and you agree with that, once the new Legislature convenes in January of 1993, there will be in the Senate Rules the refer motion. Typically, we use the rules of the preceeding sessions for 3 days and then we adopt our rules. It can be offered today if the body wishes it and I don't have any objection, but it's really more applicable to an amendment to the rules in January of 1993, is that not correct?

SENATOR DISNARD: Is that a question? No, sir. Let's face the facts. Last year at the beginning of this session in December there was a lot of animosity within this chamber, strong words. Rules were tried to be changed into defused feelings in the Senate. We had discussed on the Senate floor of the end of this legislative year that we would discuss rules or someone to bring up a rule that they felt should be changed. All I am doing is bringing up a rule, I recognize the fact that next biennium it could be changed, but if there are still strong feelings as we had this last time and rules wanted to be brought to the floor, it would be impossible. I just think that this is an easy way, a happy way for people to discuss, do they want this or not.

SENATOR HOUGH: I don't recall any great discussion on rules. We had, I believe, 3 legislative days whereby a majority motion can amend the rules and on the third legislative day it would take 2/3 and we adopted the rules of the prior session made and I don't even know that we made any amendments in 3 days to the rules. If we did, they were insignificant. We have never had referred. If that is something that you want, fine. I just say that the Rules should be incorporated into Senate Rules in January of 1993. If you want to do it now to give you leverage of adopting pre-season session rules, fine. I wonder about it's timeliness.

SENATOR COLANTUONO: I commend Senator Disnard for bringing this to our attention; however, and I am not really sure whether it is a good idea or bad idea, however, it strikes me that whatever it is, it is a moot question for this biennium. Because the first year is over and there is nothing to refer to the second year. So it is only going to apply to the first year of the next biennium. We pass new Senate Rules at the beginning of each biennium. Why doesn't the Senate just take it up at that time because it is not going to have any affect? A lot of us might not be around next time, who knows? I think because it is moot, there really is no reason to pass it.

PRESIDENT DUPONT: Senator Colantuono, it is my interpretation that it will not impact this session at all, that is correct. There is some question about bills that were sent to interim study and I think the Chair has made it clear that it is the opportunity to bring those bills before the Senate Rules committee for a suspension of the rules to allow the introduction, if an item is important and needs to be brought forward. I think Rules has a willingness, I don't have a problem with this. I understand Senator Disnard's concerns, but we do have to recognize the fact that it will not impact anything from this point on.

Senator Disnard offered an amendment.

Floor Amendment to SR 22

Amend senate rule 22 to read as follows:

22(a) A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least 5 days before hearing in the Senate Calendar.

(b) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, re-refer to committee, inexpedient to legislate, or refer for interim study. Re-refer to committee shall be a committee report only in the first-year session; refer for interim study shall be a committee report only in the second year.

(c) If a bill is reported re-refer to committee, it shall read re-refer to committee for action in the second-year session. Bills which have been re-referred to the committee on Finance shall be referred by Finance to the original committee to which it was assigned when the senate adjourned from the first session. All re-referred bills shall be reported by the committee on or before the fifth legislative day of the second-year session.

Division Vote.

A 2/3 vote is required.

Yeas: 18

Nays: 3

Floor Amendment on Senate Rule #22 is Adopted.

Recess.

Out of recess.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 64-FN-A, relative to establishing a tax on nuclear station property and making an appropriation therefor.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 322, relative to the business tax, the real estate transfer tax, the communications services tax, and the administration of state taxes.

Enrolled Bill Amendment to HB 64-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the business profits tax, the real estate transfer tax, the communication services tax, relative to establishing a tax on nuclear station property and making an appropriation therefor, and appropriating funds for a tax expenditure report.

Amend section 6 of the bill by replacing lines 2-3 with the following:

RSA 77-A:1 by inserting after paragraph XXI the following new paragraphs:

XXII. "Compensation", for the purposes of RSA 77-A:5, VII, means all

Amend section 6 of the bill by replacing line 7 with the following:

XXIII. "Eligible employee" means any individual employed by a

Amend section 10 of the bill by replacing lines 5-6 with the following:

percent of the compensation, as defined in RSA 77-A:1, XXII, paid during the taxable period to eligible employees, as defined in RSA 77-A:1, XXIII,

Senator Currier moved adoption.

Adopted.

Enrolled Bill Amendment to HB 322

Amend section 6 of the bill by replacing lines 2-3 with the following:

after paragraph XIX the following new paragraph:

XX. Enter in contractual agreements with financial institutions to

Amend section 8 of the bill by replacing line 6 with the following:
under 21-J:3, XX, he shall in addition be removed from his office or

Amend the bill by replacing section 12 with the following:

12 Contingent Renumbering. If SB 208-FN becomes law, RSA 21-J:14, X as inserted by section 9 of this act shall be renumbered to RSA 21-J:14, XI.

13 Effective Date. This act shall take effect upon its passage.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bills:

HB 40, relative to certain state taxes.

HB 64, relative to the business profits tax, the real estate transfer tax, the communication services tax, relative to establishing a tax on nuclear station property and making an appropriation therefor; and appropriating funds for a tax expenditure report.

HB 65, relative to state fees, funds, revenues and expenditures.

HB 322, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes.

HB 669, relative to the borrowing authority of the state treasurer and relative to the industrial development authority and the housing finance authority.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

RESOLUTION

Senator Delahunty moved that the business of the day being completed, the Senate recess for the purpose of House Messages and Enrolled Bills reports, and when we adjourn we adjourn to the Joint Call of the President of the Senate and the Speaker of the House.

Adopted.

LATE SESSION

HB 549-FN, relative to the state's purchase and renovation of land and buildings in the capitol area government center and relative to the New Hampshire Business Development Corporation.

Senator Delahunty moved recess.

Adopted.

Recess.

Out of recess.

AMENDED SENATE RULES

RULES OF THE SENATE

1. Determination of quorum; correction of Journal.
2. Members, decorum of.
3. Members, conduct when speaking.
4. Members not to speak more than twice.
5. President shall recognize whom.
6. Questions of order; appeal.
7. Member, absenting himself.
8. Motions, order of preference.
9. Questions postponed indefinitely not acted upon in same bien-

nium.

10. Questions, when divided.
11. Objections to reading paper, how determined.
12. Roll-Call, everyone must vote.
13. Galleries, clearing of.
14. Reconsideration, motion for.
15. Petitions, introduction of.
16. Bills; shall be numbered and expressed clearly.
17. Bills, introduction of.
- 17-A (a) Bills, deadlines for drafting.
- 17-b Bills, deadlines for information.
- 17-c Final deadline.
18. Resolutions to be treated as bills.
19. Bills shall have three readings; progress of; time for second and third readings.
20. Bills, printing and distribution.
21. Bills amended only on second reading; filing of amendments.
22. Public hearings to be held and advertised.
23. Amended bills, printed, distributed and disposed of.
24. Appropriating money, to whom referred.
25. President to sign bills, etc.
26. Committees, appointment of.
27. Standing Committees.
28. Messages sent to House.
29. Messages, when received.
30. Voting; division of Senate.
31. Visitors to Senate.
32. Hours of meeting.
33. Rules of Senate, how suspended.
34. Rules of Senate, how rescinded.
35. Committee of the whole.
36. President may name member to chair.
37. Senate staff; composition and duties.
38. Senate staff; days of employment.
39. Committees, reports and meetings.
40. Appeal, presiding officer ruling.
41. Motions, no substitution under color of amendment.
42. Conflict of interest.
43. Committee of Conference reports.
44. Personal privilege.
45. Requisition Approval Required.
46. Fiscal notes, requirements.

1. The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal corrected one week after the permanent journal copy is placed in the hands of the Senate.

2. No member shall hold conversation with another while a member is speaking in debate.

3. Every member, wishing to speak, shall address the President and when he has finished shall, if having risen to speak, then sit down.

4. No member shall speak more than twice on the same question on the same day without leave of the Senate.

5. More than one member rising to speak at the same time, the President shall decide who shall speak first.

6. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order; in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

7. No member shall absent himself without permission from the Senate.

8. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.

9. A question which is postponed indefinitely shall not be acted upon during the biennium except whenever two-thirds of the whole number of elected Senators shall on division taken, vote in favor thereof. Any bill which is indefinitely postponed shall not be reintroduced under cover of an amendment to the general appropriations (budget) bill. No motion to suspend this rule shall be permitted.

10. Any member may call for a division of the question when the sense will admit it. Unless otherwise specifically provided for, a majority of those present and voting shall be required to pass any vote.

11. When the reading of a paper or document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.

12. When the nays and yeas have been moved by a member and duly seconded by another member, each member present shall declare his assent or dissent to the question, unless for special reason he be excused by the Senate. The names of the persons so making the motion and the second shall be recorded in the Journal. A member who is to be absent when the yeas and nays are required may pair his vote with another member, to be present or also to be absent, who intends to vote on the opposite side of the question. Pairs shall be permitted only if the yeas and nays are taken on such question. Both members shall file such pair in writing with the Clerk before the question is put. In all cases of pairing, the vote of neither member shall be counted in determining the result of the roll call; but the Clerk shall announce all pairs and enter them in the Journal. The President shall determine the order to the roll call.

13. In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

14. No vote shall be reconsidered, unless the motion for reconsideration be made by a member who voted with the prevailing side, nor unless the notice of such motion be given to the Senate in open session prior to adjournment on the same day on which the vote as passed, or on the next day on which the Senate shall be in session within one half hour after the convening of the early session, and any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void.

14 (a) Reconsideration of any bills subject to a transfer date established by joint rules must be acted on or before the joint rule deadline, and thereafter shall be null and void.

15. Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate, shall be endorsed with the name of the Senator presenting them, and with the subject matter of the same. Every bill shall be marked on the first page "Senate Bill" and numbered serially; every joint resolution shall be marked "Senate Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional

amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "Senate Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the Senate.

17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate printed and available for distribution. The President shall take up all bills and resolutions for introduction at the early session.

17-A (a) No request by a member of the Senate for drafting a bill or a joint resolution, other than the general appropriations (budget) bill or the capital budget bill, shall be accepted by Legislative Services for processing unless the subject matter of the legislation has been filed with Legislative Services no later than **Thursday, December 20, 1990**. (old date Wed. Dec. 7, 1988.)

(b) The Office of Legislative Services shall not draft a Senate bill or joint resolution, other than the general appropriations (budget) bill or the capital budget bill, unless the complete information necessary for drafting such a bill or joint resolution is submitted to Legislative Services not later than 5:00 p.m. on **Friday, December 28, 1990**. (old date Wed. Dec. 21, 1988.)

(c) Every Senate bill and joint resolution, other than the general appropriations (budget) bill or the capital budget bill, must be signed off in Legislative Services by 5:00 p.m., on **Wednesday, January 9, 1991**. (old date Tues. Jan. 3rd, 1989.)

(d) Notwithstanding the provisions of 17 (a), (b), and (c), a Senate bill, Senate joint resolutions, or Senate concurrent resolution may be accepted by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Joint Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

18. All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

19. Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the President to the appropriate committee and shall be printed as provided in Rule 20, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

20. After every bill shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it shall have been referred. Bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

21. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents thereon. No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference, except it be germane. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

22. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least five days before hearing in the Senate Calendar.

(a) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, re-refer to committee, inexpedient to legislate, or refer for interim study. Re-refer to committee shall be a committee report only in the first-year session; refer for interim study shall be a committee report only in the second year.

(b) If a bill is reported re-refer to committee, it shall read re-refer to committee for action in the second-year session. Bills which have been re-referred to the committee on Finance shall be referred by

Finance to the original committee to which it was assigned when the senate adjourned from the first session. All re-referred bills shall be reported by the committee on or before the fifth legislative day of the second-year session.

23. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the calendar of the Journal on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be laid upon the table and shall not be finally acted upon until the following legislative day, and a list of such bills with the report thereon shall be published in the Journal for the day on which action shall be taken.

24. Every bill and joint resolution appropriating money, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the Committee on Finance for review. If any such bills have been referred jointly to the Committee on Finance and another standing committee, the Committee on Finance may report separately and a further public hearing may be held at the discretion of the Committee on Finance. All bills appropriating money, which are referred to the Committee on Finance may have only one hearing.

25. All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

26. All committees of the Senate, including Senate members on committees of conference, shall consist of members of both parties as nearly equal as possible, provided that on all committees, both parties shall be represented. The President shall appoint the members of all committees, after consulting with the minority leader.

27. The standing committees of the Senate shall be as follows: The Committee on Finance, Committee on Capital Budget, Committee on Ways and Means, Committee on Banks, **Committee on Economic Development**, Committee on Education, Committee on Executive Departments, **Committee on Environment**, Committee on Insurance, Committee on Internal Affairs, Committee on Interstate Cooperation, Committee on Judiciary, Committee on Public Institutions, Health and Human Services, Committee on Public Affairs, Committee on Transportation, **Committee on Wildlife and Recreation**, and the Committees on Rules and Resolutions, Journal, and Enrolled Bills.

28. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

29. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

30. All questions shall be put by the President, and each member of the Senate shall signify his assent or dissent by answering yea or nay. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

31. No person except members of the executive, or members of the House of Representatives and its officers, shall be admitted to the floor of the Senate, except by the invitation of the President, or some member with his consent.

32. The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion. The late session shall immediately follow the early session unless the Senate shall otherwise order.

33. No standing rule of the Senate shall be suspended unless two-thirds of the members present vote in favor thereof. This rule shall not apply to Senate Rule 9.

34. No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present vote therefor.

35. The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole, the President shall leave the chair, and appoint a chairman to preside in committee.

36. The President, when performing the duties of the Chair, may, at any time, name any member to perform the duties of the Chair.

37. The staff of the Senate shall be comprised a clerk, an assistant clerk, a sergeant-at-arms, and a door-keeper who are to be elected by the Senate, and such other personnel as the President shall appoint. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

38. Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

39. The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, redrafting, research or amendments to meet as needed on non-legislative days during the legislative session. The Clerk of the Senate shall prepare a list by number, title and sponsor of all Senate bills and resolutions in committee which have not been acted upon within one week before the deadline established for the transfer of bills and resolutions from the Senate to the House of Representatives, and he shall distribute this list to every member of the Senate as soon as it is prepared.

40. Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

41. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

42. No member shall vote on any question in which he is directly interested; nor shall he be required to vote in any case where he was not present when the question was put; nor sit upon any committee when he is directly interested in the question under consideration. In case of such interest of a member of a committee, the fact shall be reported to the Senate and another person may be substituted on that question in his place.

43. Action on the floor of a report of the Committee on Finance or a Committee of Conference on either the general appropriations (budget) bill or the capital budget bill, shall not be taken by the Senate, until said report has been available from the Senate Clerk twenty-four hours in advance, in written form. Nongermane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

44. **PERSONAL PRIVILEGE:** A Senator may, as a matter of personal privilege, defend his position on a bill, his integrity, his record, or his conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate. A Senator may speak on other matters of his choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate.

45. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase,

pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

46. If a drafting request for a bill or resolution has been filed with the office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the legislative budget assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

Senator Delahunty moved that we adjourn.

Adopted.

Adjournment.

November 12, 1991

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us have a moment of silence as we remember our late Senator, George Wiggins, and pray for the repose of his soul and for comfort of his family and friends. Let Us Pray. Welcome back as we gather for our economical situation. The battle of the budget. Do we have to pay this medicare money back? What will be the situation then? Que Est? Good Luck!! God Bless us all and our families and friends as we gather for celebration of Thanksgiving, Christmas, and New Years. See you later. Amen.

Senator Roberge led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Recess.

Out of recess.

HOUSE MESSAGES

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 75-FN-A, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund. Ways and Means committee.

INTRODUCTION OF HOUSE BILL

HB 75-FN-A, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund. Ways and Means committee.

RESOLUTION

Senator Delahunty moved that the Rules of the Senate be so far suspended to allow a committee report on a bill without notification of said report in the Calendar and to further ratify the Senate actions whereby we held a joint hearing on a bill before it was introduced in the Senate.

Adopted.

COMMITTEE REPORTS

HB 75-FN-A, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund. Ways and Means committee. Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: It is nice to be back. It is nice to be back with such a pleasant task ahead of us. We met over in the Bridges house about a week ago and came to an interesting and not very happy conclusion, that the state of New Hampshire is \$100,000,000 below the budget that we passed last June, at the present time. There was agreement amidst everyone there that \$100,000,000 was sort of a symbolic number. That the deficit was about that amount. After listening to Doctor Harry Bird, the head of the Division of Health and Human Services, there was also complete agreement amidst those there. I might point out that we were missing one significant member of the Senate because he was at home taking care of somebody named "Ashley Ann". But we agreed that the, I was about to say "scam" and I decided that was a bad word. The loophole is perhaps the best word. The theme that pulled us through in June when we were down about \$117,000,000 was worth trying again, because other states were doing it and because there was some thought that we better get at it before the loophole was closed. All of us agreed that we could not go at the hard job of deciding exactly how to cure the state's budget, before we had tried to get the money from the federal government. That is why HB 75-FN-A is here before you. As the bill is written, it is called the Medicaid Enhancement Tax. It is slightly different from the 8 percent tax that we passed as HB 1 in the last session. The method is the same and the distribution would be the same. Our point would be that we would

borrow from the hospitals under guise of the Medicaid Enhancement Tax, \$250,000,000 that we would fax that down to the feds and they would fax us back \$265,000,000. The state would get their share, and the hospitals would get the money that they lent us, plus an additional 15 million all within a timeframe of anywhere from 10 minutes to a half of a day. The hospitals, Doctor Bird made very clear could use that extra \$15,000,000 to go to uninsured and low income or to Medicaid. I think that the final thought was that the state needs the money. This is a way of doing it and for some of us that care about tax equity. The graduated federal income tax is probably as good a place as any to get the money as any way that we could see in the near, immediate future. The tax starts out by saying that we need \$250,000,000 and that it will come from the hospitals based on the number of Medicaid discharges, which is a figure that is available and measurable. Doctor Bird said that the 1992 money is a good probability and the 1993 money is extremely speculative. But we need to do it before January, we need to do it now. The House has passed this bill. We have had long discussions over the day about certain amendments and we have conceded that that would not be a good idea as to put the amendments in at this time. You will be hearing later about some of our thoughts on Medicaid. So I ask you and urge you, to vote for HB 75-FN-A. The vote in our committee was 5 to 1. It is here before you as a plan that has worked once for \$117,000,000 with \$11,000,000 going to New Hampshire's hospitals. The hospital's are happy to do it again and we are happy to do it again.

SENATOR HEATH: Senator McLane, you use the phrase "this is under the guise of a tax". Is this a tax or is it something else disguised as a tax?

SENATOR MCLANE: I am not sure of the exact definition of a tax, but there was a wonderful man from Somersworth that was in the Legislature back in 1940 and he said that a definition of a tax is "money that you can get". I think that probably falls within his saying. His name was Malley, and he came from Somersworth. I think that falls within his definition of a tax.

SENATOR HEATH: Are you in agreement with that definition?

SENATOR MCLANE: Yes, I am.

SENATOR HUMPHREY: Mr. President, on the social level it is always a pleasure to see our colleagues each and every one of them, irrespective of party or philosophy. I join with my other colleagues in expressing that pleasure. I am seeing my friends once again. I wish it were under more pleasant circumstances. I think all of us

have gotten the real taste of the private sector over the last few months. May I say that is one of the advantages of a nonprofessional Legislature. It's members get a chance to go out and sample the real world. I think that we have all discovered that there is blood in the streets, speaking of the economy, that times are very, very tough indeed. Worse even than many of us had thought just a few weeks ago. So tough indeed that I hope that there will be no temptation to raise taxes when we meet in the next session. To do so would only increase the blood-letting and the pain and the misery. I want now to express publicly my great disappointment in the actions or the inactions, shall I say, of the Fiscal committee during the interim period. No personal animus intended of course, but I think that the committee discharged its duties very poorly. It was required by the budget to cut \$24,000,000 in the area of personnel cost. It claims to have cut spending by \$7,000,000. I beg your pardon, it claims to have cut the entire amount. It is likely that not more than \$7,000,000 has been cut. All of this being realized in the form of a drag or a failure to replace people who leave the government normally. I heard on the radio this morning as many of my colleagues did, no doubt, that in Maine they are cutting the state employment rolls, that is the governmental employment rolls by 20 percent. Some 2,000 people, plus government employees in the state of Maine. Those are the kind of hard-nosed, however unpleasant they may be, kinds of cuts that we must begin to make in this state if we are to avoid the raising of taxes. We haven't begun to act responsibly in either of these two chambers. We haven't begun to get serious about this deficit. We haven't begun to cut spending. Mr. President, I want right now publicly to urge the President and the Speaker to reconstitute the membership of the Fiscal committee with members who are willing to cut spending and who are willing to stand up to organized interest groups in this state. I will volunteer my time, commencing today through the holidays, all of them, to see if we can't make some real cuts over the next two months. Now the Senator, I always want to say the Senator from Concord, Senator McLane is absolutely correct. This is a scam, this matter that we have before us. I think everyone recognized that when we took the first bite of the apple last summer. Now we are back having the joy of that delicious, sinful fruit, back for an even bigger bite. It is interesting to see how the process of decay unfolds. It is part of human nature and I am no better in that respect than anybody else. We know what we are doing and we know that this is wrong. We know as our distinguished Chaplain admonished just a moment ago, that you don't get something for nothing. This money is coming from somewhere. It is coming from the federal government which is already facing a \$350 billion deficit. Record deficit, \$350 billion. We are jumping on that

bandwagon and we are going to make it worse. I didn't spend 12 years in that place, the Federal Legislature trying to enlarge the deficit, trying to fight the deficit, only to come back here and pile on the bandwagon in an effort that will make the deficit worse. Who will pay for all of this, who will pay for our refusal to stand up to the special interest groups? Our refusal to serve well to the general interest. Who will pay for our draft on the federal treasury now for more 10's of millions of dollars under a fraudulent application? We all know that this is a scam, and a fraud, and shame on us. Our state Constitution says something in the very first part about the importance of high public morals. What kind of an example are we sending? We acknowledge publicly that this is a scam and yet we are ready to embrace it. Not only to embrace it, but to embrace it ever more warmly. Well I think that it is shameful, and obviously, I am going to vote against it. More specifically, I am going to pair against it to accommodate a colleague, who has a long standing commitment to a group of children. But I wanted to express that sentiment. It is the wrong thing to do. It puts off the day of reckoning. Now we are all going to go home after today and say, well we have all these 10's of millions of dollars and we don't have to do anything, we don't have to reconstitute the Fiscal committee. We can just wait until January or February before we have to face this sobering problem. So it is delaying the day of reckoning. Instead, we ought to reconstitute the Fiscal committee or barring that, we ought to begin meeting daily in session right now through the holiday period and get the job done. There is only one way to solve this problem and that is, massive painful cuts. I am not talking about trimming fats. I am talking about amputating those parts of government that are necessary in these bad economic times so that we can survive as a low tax state.

SENATOR MCLANE: I think perhaps it is important for all of us to look at the comparison between other states and the state of New Hampshire. You can use the word fat, but there isn't much fat in the New Hampshire state budget. I believe that we have had this conversation before. Let me name you the first bit of fat and then see if you would cut that.

SENATOR HUMPHREY: Will the Senator permit me to say this, she didn't listen carefully. I said I wasn't talking about trimming fat, I said I was talking about amputating parts of government.

SENATOR MCLANE: Alright, I think that that works in perfectly with my question. Let me tell you the first leg that you have to cut off, Senator Humphrey. Medicaid programs are either mandated by the federal government or they are optional. Optional is one of the those words that we assume means fat and means useless. Let me

tell you the first optional program that you on Christmas Day when you have given all of your time to cutting the program will be cutting. That is the reimbursement for prescription medicines for the elderly. That is the first leg. Are you ready to do that before we get down to what we can't cut?

SENATOR HUMPHREY: Senator, I don't accept your orders of priorities. I suggest that we ought to shut this government down a couple days a week. I made that suggestion last summer. I suggest that we ought, like the state of Maine, to lay off 20 percent of our state employees. Like private sector businesses are doing from coast to coast, Senator, that is what we need to be doing.

SENATOR DELAHUNTY: I agree with a lot of the things that Senator Humphrey has addressed. I disagree with some of the philosophy that he has proposed and a couple of things that I would just like to bring out. One, New Hampshire is 1 of 15 states that is now considered to be a depression state, in a state of depression. This money allocated by the federal government is out there and if New Hampshire doesn't go after it, another state that may not need it as badly, may go after it and maybe receive it. I am not sure, I certainly don't think that this is a cure all and that this is going to solve our problems. I would agree that we are buying some time and it is an approach that will give us just the time that we need so that the entire body as Senator Humphrey referred to the Fiscal committee as to making decisions, or who are afraid to make decisions. I am a member of the Fiscal committee. I don't think the Fiscal committee felt comfortable in making some hard decisions as Senator Humphrey referred to for the entire Senate body. One of the proposals we had before us, and we thought that we were going to address last week when we met with the Governor and key members of the House, was that we were called into a special session so that we could make expedient cuts to bring the budget into line. I think what this proposal does is it gives us time as a full body. As Senator Humphrey said that he was willing to commit his time to do it. I think each and every one of us should commit our time to do it. To take a look at existing programs that we feel may or may not be working, and particularly, those that are not working in the state of New Hampshire and bring them back with us when we come back in the full session to propose a cut into those programs. There may be positions that you feel are not needed, that we can do without. But this is a job that we can do, take a look at it. This is going to buy us the time to take a real hard look at the existing programs, where we think there are spending waste and where we can make the hard cuts that were referred to us on an intelligent and reasonable basis. It is not a panic situation which sends a message out to our constituents that

we are in a panic situation and we haven't given it a lot of thought to what we are doing. When the body does that and gives considerable thought to what has to take place, what's needed and what they think they can do without, whether or not we get this money or not. If we get all this money and we have those cuts to make, we should still make them. I don't think this is letting us off the hook at all. I think that it may be buying us time to do things on a reasonable basis. I think that we have an obligation to do that and I think that we do have, I do agree that we do have a very serious obligation to make any cuts that we think that we can make. I don't know what they are. I am not proposing anything specific yet. But I think, I agree with Senator Humphrey that I am willing to be one of those who take a hard look at anything that we can to cut and to bring this budget back into line. There are some federal mandates that aren't funded. So I don't feel a bit guilty about supporting this legislation and making a request for these funds. I hope that you will join me in voting the same. Thank you.

SENATOR HEATH: Last session we passed a Resolution here urging the federal government to balance their budget and that very same day, if my memory is correct, we came in here and did flimflam one, which is the original version of this. Now we are here for son of flimflam. We all know that is what it is. The Chief proponent Senator McLane, who addressed the bill, I forget her first word, but it was better than flimflam. It lent the correct air to what this is, which is, not a legitimate way to raise money. It is not a shell game. We are pretending that this is free money. The only way that this is free money is if the federal government cancels their income tax next April and if they stop printing money because they will get it back either through inflation or the hard way through borrowing money and paying interest on that money. It is the height of hypocrisy for this body, having already heard the people of New Hampshire saying don't put mandates down in our communities, don't fund your state on our towns, to now say, well we will get into their other pocket. We will let the feds reach in and then we will reach into the feds pocket. There is a man overboard and they drill a hole in the bottom of the federal ship to get air. It doesn't work. There is no fat in this budget? There is a showdown coming. There are some people who believe that legitimately, we should raise more money from the taxpayers and redistribute it back to them for good things. There are those of us who believe that we should go the other way and trim the budget. There is not fat? I pick up the paper the other day and we are hiring a man for \$63 thousand and I don't know how many of your constituents are getting hired this week for that, \$63 thousand to run 2 ski areas that have been losing money since they have been

built and continue to lose money. We subsidize Massachusetts yuppie skiers, the few that are left, to come up here on our taxpayers. There is no fat on the budget? Get out of town if you believe that, because you don't know where you are. The Democrats have already started on national level talking about the economy. This is going to be their issue. It's the one chance that they have to get at George Bush, because they don't, frankly, have a candidate. Their best bet is the guy who is tap dancing over in New York now, and when he gets through tap dancing and he comes up with something like 38 percent of the vote and that is before he has opened his mouth and been criticized or asked any questions. So they are going to talk about the economy. So what are the Democrats doing? They are helping to ruin the economy, at least they have some tactical good reason for voting for the flimflam. But why would any Republican vote to do this to the federal economy and give them one more arrow in their quiver to shoot at the President this fall. But it has been a Democratic Congress by the way, that brought us to this national economic situation. Until the economy of the nation recovers, the state is not going to do it. What we did last session is not going to make us an island in the economy with all the others around us sinking. It may help when the rising tide comes, but it won't do it without that rising tide. This morning I went to the hearing and I heard Doctor Bird talk. You should know that he said we might not get this money. He said that there have been 12 drafts and he is not sure that this one is right. Then he said there are two taxes and one of them hurts some health care facilities. This is speculative. It is kidding ourselves. It's hypocrisy. It's a tax, and a tax comes out of the same peoples pocket. I would urge you, particularly urge you as Republicans, who all know this is wrong, who even when you talk about voting for it, you talk about it in, I know it's wrong, but, kind of terms. To get one grasp of sanity for a minute and turn this down. Start addressing the inevitable controversy that has to come before this body and the House and be decided once and for all, are we going to frisk the taxpayer to see if he has another wallet? To see if he has a nickel in his loafer, if we can find one more way to get him or if we are going to start addressing the waste and the needless spending in this budget and get down to the pure necessity that we have to serve the people of New Hampshire and not pay for the fault of all that we still have in this budget. Thank you.

SENATOR BLAISDELL: Senator McLane, since you have been labeled as the author of this bill, I would like to ask you a couple of questions. The other morning before we went to the Bridges house, did we have a conference call with the Senate President, with a bipartisan group of Senators in that room?

SENATOR MCLANE: Absolutely. I did not mean to give the impression that I had anything to do with writing this bill. I am accepting it, not writing it.

SENATOR BLAISDELL: When we talked in that room, upstairs. It was our idea that we were going to the Bridges house that morning to talk about \$250 deductible on Health Insurance, furloughs, mandatory furloughs and other things of that nature. Is that true, Senator McLane?

SENATOR MCLANE: I think our conclusion was after we talked with the young father on the phone, that we were going to listen and that we hoped that we might come up with some agreement on what the scope of the problem was. That we certainly weren't going to offer any suggestions at that time. We were going to wait for the Governor to show his hand first.

SENATOR BLAISDELL: When we arrived at the Bridges home that morning and we walked in, were we surprised really, that the first Speaker was Doctor Bird, who would be as the Governor presented to us. Understand this, I am not banging the Governor at all on this. He brought us all together on a bipartisan group to try and solve what we came to believe is a \$200,000,000 profit. Is that right, Senator McLane?

SENATOR MCLANE: Yes.

SENATOR BLAISDELL: Did we listen to Doctor Bird with the Governor's efforts to bring this about to what we could do, did we do that?

SENATOR MCLANE: Exactly.

SENATOR BLAISDELL: Did we also listen to the Speaker of the House of Representatives, Mr. Burns across the wall over there. Did he address this and say that it is something that we should be looking at?

SENATOR MCLANE: The House members accepted the plan so readily, that we were convinced at that time that they had heard it before we did.

SENATOR BLAISDELL: That is exactly right. That is the question that I had asked at that time, right, Senator?

SENATOR MCLANE: Right.

SENATOR BLAISDELL: Did we in a bipartisan group feel that we should take a hard look at this and have a hearing on it and let the people speak. By the way, Senator Heath, I believe that the Gover-

nor's a Republican, I am not sure. You talk about us Democrats now, right? But I think it was the Republicans in that room, from the Majority Leader of the House, Caroline Gross, I think she was there. The Assistant was Ann Torr; Representative Torr. I believe that she was there. I believe that Mary Chambers was there, I believe that everybody that you could think about that could make it that morning, so that it would be open to everybody. But didn't we come to some kind of an agreement that we should present this to the full Legislature. May I ask, do you know the vote that was just in the House a few minutes ago?

SENATOR MCLANE: No, I don't. I would be interested.

SENATOR BLAISDELL: Was it 41 votes that voted against this? Does anybody know. Well that is what I heard. It was 283 to 42. Was it mentioned to us, Senator McLane, Senator Humphrey should know about this since he sat down there for 12 years, the unfunded federal mandates on Medicaid. For example, in 1981, is it true that we only had \$34,000,000 in Medicaid, spending \$34,000,000 in 1981?

SENATOR MCLANE: I believe that was the figure Doctor Bird used this morning.

SENATOR BLAISDELL: In 1991 we now spend \$198,000,000 in unfunded Medicaid? Is it also true that in the last session when we put the budget together that we in the Conference Committees felt that maybe we should only take \$35,000,000 knowing full well that Maine for instance, the state of Maine, which he just mentioned, took \$83,000,000? Nevada took \$60,000,000. Is it also true that we are going to get most of that, we are going to get most of that money because I guess in 1991 we got the \$35,000,000 and in 1992 we feel that we are going to get the other \$41,000,000? Senator, wasn't this a bipartisan thing so that we could probably try to stop the bleeding that is going on that Senator Humphrey is talking about that we could give businesses in the state of New Hampshire some kind of solace to say, maybe we are not going to die? Maybe there is some great hope for this great state of ours. Maybe we can survive instead of taking it all apart and laying off 2,000 people, cut out services and say that people can't come to my office and say, Senator, I don't have a card anymore, I can't breathe, I can't get this, I can't get oxygen. What am I suppose to do, die? That is not what we want for New Hampshire. You can stay here for the next 6 months I guess, Senator, but you'll never get my vote to tear this state apart. I think we ought to build on it. That is what we were trying to do in a bipartisan way. I don't care if Judd Gregg gets all the credit for this. He can have it all, just as long as this government survives, and that people out there in the retail business in the state of New Hampshire know

that we are going to be here for a while. That is what I think we tried to do, what we tried to do in the Fiscal committee. I will not accept that criticism. I still think that the drag is going to happen. The Governor thinks that we are only \$10,000,000 short. I think that what we have tried to do is to come together as Democrats and Republicans and say this is New Hampshire. New Hampshire is first, not the Republican party or George Bush, or Mario Cuomo. I don't even know if he can dance. I am going to find out, though. I am going to ask him if I see him. So that is what we did. It was a bipartisan effort. Wasn't it, Senator?

SENATOR MCLANE: The answer is yes, to that question.

SENATOR BLAISDELL: Senator Heath, did you win anything over at Hinsdale when you were over there, Senator? You know you were over there in my district and I want to make sure?

SENATOR HEATH: I broke even, actually, just about.

SENATOR BLAISDELL: Yeah, you broke even alright.

SENATOR HEATH: Senator Blaisdell, in spite of your eloquent and extended questions to Senator McLane, would you believe that your analogy when you talked about other states getting this money, reminds me of some interviews that I watched on television in the middle of some looting that took place in a city riot some years ago. They each pointed to the other guy, well he took this, it's alright, it's only a big company, it's not real money. The people, once the window was broken and in this case, Massachusetts broke the window. We are running in and we are looting. It is our country. It is our money and if we take this attitude, this kind of selfishness, this kind of shortsightedness, aren't we ruining that country to temporarily get a fix from which there is no relief, because this fix only gets us more in the habit, here in the state of New Hampshire?

SENATOR BLAISDELL: No. Simple and purely, no.

SENATOR SHAHEEN: I think that we ought to stop demagoguing this issue. I mean the fact is, I don't believe that any of us here, nor anyone in the Legislature, nor even the Governor, believes that this is really going to be a fix to our current fiscal problems. The only special interest group represented are the property taxpayers in district 21 who if we don't pass this today, are going to be faced with either having their services cut, because we are going to make major cuts in the state spending or having their taxes raised. Because they are already going to pay their federal income tax, regardless of what we do today. That is locked in, and we know that they are going to have to pay that. But if we don't take this action today, we are going

to raise their taxes directly. I am not going to go back to the people in district 21 and tell them that I turned away federal money so that I could raise their taxes.

SENATOR HEATH: Senator Shaheen, can you tell me that you will not join those voices that we expect during the Presidential campaign talking about the economy and why George Bush hasn't done something to correct the terrible economy if you participate in this? Can you assure me that we won't hear those words from you during that campaign?

SENATOR SHAHEEN: Senator Heath, I am not only going to talk about the terrible economy in the United States, I am going to talk about the terrible economy in the state of New Hampshire. We have had 11 years of Republican rule in the White House at the National level. We have not only had 9 years of Republican rule in New Hampshire, but we have had a century of Republican rule in the Legislature in New Hampshire. So you bet I am going to talk about the economy.

SENATOR HEATH: You have brought up a question to me that I really am fascinated by what your answer will be to this. Because in one case, we have the Legislative body at fault and in the other case, we have the Executive Branch at fault. I am wondering who is at fault, Senator Shaheen? Is it the people who enact the budget in the Legislative body or is it the person who in both cases represents the Executive Branch?

SENATOR SHAHEEN: You can blame the Democratic Congress and the Republican White House in Washington if you are also willing to blame the Republican administration and the Republican Legislature in the state of New Hampshire. I will give you the Democratic Congress.

SENATOR HOLLINGWORTH: I really did miss you all. It is wonderful to be back. I am sitting here today and we have one issue in front of us, and that is whether we are going to pass this Medicaid Bill that is going to give the state a chance to pay its debts that it has to the communities and to the people out there, that is all that it is. We are not going to be having all the riches come in as some of the Senators are interpreting. All this bill is going to do, is help us to pay for the cost that have been mandated back onto the state government by the feds. The feds said, hey you guys have to do this. We will give you half of the money and you have to come up with the other half. So we are coming up with the other half. This is all that this bill is doing. We are going after the money that the feds are making us pay, and that I think is appropriate. I have to say, Senator

Humphrey, when you say you like having the break because it gives you the chance to be out in the real world. I have to say that I have been out in the real world for a long time. So have a lot of the other Senators sitting in this room. A few years ago I stood on the Senate floor and said that we were going to be in debt. That was the first time that we were going to be in debt. I stood there and said that we have problems right here, and we did. Last year I said the same thing on this Senate floor, and I asked you and I asked other Senators to come down to Finance and to help us find ways of addressing the budget and finding ways to cut. Unfortunately, you didn't choose to do that. What you choose to do is to come in here at the end, after the processing was all done and hit on the only thing that you could, and that was state employees. Cut the state employees, well this Senate wouldn't buy that. We said that that is a negotiation. That is between the Governor and the state employees and the state employees have already had their cut. They didn't get any pay increases for years and what we gave them instead of pay increases was medical benefits. If you are going to renegotiate that, you do that in negotiations. We stood by that in this Senate and we passed that. You had your opportunity to vote on it and you lost. We are not here to discuss where we are going to take and what we are going to do to the state employees. That is next month or January when we come back in. Today, we are talking about the Medicaid. That is what we need to address. I say let's pass it. Let's go home and let's do what we have to do.

SENATOR W. KING: Senator Heath, I have to say that when you first spoke, I wanted to angrily get up and do what Senator Shaheen did to you. So eloquently. But the more that I thought about it, the more upset that I became about what we are facing in the next year. If the debate that we have just seen in this chamber over the last 20 minutes is what we have to look forward to and to face in the next year ahead, we are in big trouble. I urge you all to try as hard as you can to look at this as a problem that we as citizens of the state of New Hampshire face together, not as Republicans or Democrats. Because the people in this state of New Hampshire don't give a damn about Democrats and Republicans. What they care about is if they can put food on their table for their kids and that they have a job so that they can have some dignity in their lives. We have to be willing to set aside partisanship as much as we possibly can to make that happen. Now, Senator Humphrey, you and I will have the debate about whether government decides to hit the private sector by laying people off and doing nothing more at another time. But I think that we are going to have to swallow hard and vote for this bill. Let me tell you that I am having to swallow hard for a number of

reasons. Not the least of which is that there was a significant number of us who had agreed that we wanted an amendment to this bill. That we wanted an amendment that said that the \$5,000,000 that is going to be used for administrative cost by Doctor Bird, had to be used to help provide some additional funding for some kids who are desperately in need right now, some well child clinics and those important things that we under-funded in the last budget. We had in fact, we still have the votes right now if we want to stop this Medicaid loophole from being used. We have the votes to do that. But because we felt that it was important that we move forward together, not as Democrats or Republicans. We met together this morning and ultimately, we decided that we would offer a Resolution and that we would honor Doctor Bird's request that this bill go through clean. You will be asked to vote for a Resolution after this, that asks that Doctor Bird expend some of those, as much of that administrative money as possible on children. But for now, I guess what I want to emphasize is that we have to swallow hard and accept this as a means of getting us through this extraordinary time, but we still are going to have to address the bottom line. The bottom line here folks, is that we have a hidden deficit of 25 percent of our general fund even if we get all of this money. We have to stimulate the economy and I believe that we have to reform the tax system in the state of New Hampshire if we are going to address that structural problem. But right now, we have to work at building consensus wherever we possibly can and setting aside our differences about Democrats and Republicans and try to serve the people of the state of New Hampshire. I urge you to support this bill.

SENATOR HEATH: Senator King, I think it is time to get you on record, because I have heard this statement that the people of the state of New Hampshire don't care whether someone is Democratic or Republican and it may be true, because there is less and less distinction between what they do, at least in this chamber. But do you personally, find any distinction between the philosophical basis of the two parties or are you indifferent to any difference that may exist?

SENATOR W. KING: Senator Heath, the answer to that is, of course I do or I wouldn't be a Democrat. I am proud to be a Democrat, but just as this country has to put aside partisanship when we go outside of the boundaries of this country and we look at international affairs. We must also be willing to put aside partisanship when it comes to the most basic tenet of our ability to provide for the people in the state of New Hampshire and that is to enable them to have a job. We have got to put aside partisanship as often as we possibly can as we try and put this economy back on its feet.

SENATOR HEATH: Senator King, would you be willing to put aside partisanship and join me in trimming the budget as you ask us to join you in doing more lovely things on the state as an example of closing the subsidized ski areas and releasing some of these expensive people who are competing with the private businesses in your district and mine? Would that be a nonpartisan kind of act in good faith so that when Republicans do Democratic things, you can say well we did this Republican kind of thing with you?

SENATOR W. KING: Senator Heath, I think that we are all going to have to be willing to put everything on the table to discuss in the coming year so that we can address the issues that are left unaddressed by this Medicaid loophole.

SENATOR HUMPHREY: Mr. President, Senator Hollingworth never misses an opportunity to hit me over the head for not having attended meetings of the Finance committee, a committee of which I am not a member. Given the realities of the real world where some of us have to earn a living, including my critic. But it is not always possible to attend meetings of committees of which you are not a member. It is not even possible to attend meetings of all of the committees of which you are a member, because they often overlap. But, nonetheless, to relieve the Senator's anxiety or problem with my conduct in a more serious way, Mr. President, to prove from my point of view at least, the makeup of the Finance committee. I publicly ask the President of the Senate to appoint the Senator from district 17 to the Finance committee in the next session.

PRESIDENT DUPONT: Senator, I would be glad to entertain that in my office if you would like to come up and make an appointment to see me. Right now, I would like to get on with the debate that we have before us.

SENATOR HUMPHREY: To further respond to Senator Hollingworth, if the President does not see fit to make me a member of that committee. I have already resolved to attend every possible meeting of that committee, even at the expense of not attending the meetings of the committees to which I am assigned. Because it is clear that that is the committee where the power is and that is the committee that is doing, in the opinion of this Senator alone, a very poor job. I agree with the criticism of the Republican party. You can't tell the difference in this chamber between the Republican party and the Democrat party. The fact is, that this chamber is comprised of a majority.

PRESIDENT DUPONT: Senator, that is a speech and there are members of this body that have not been allowed to speak yet. If you would take your seat and let us get on with the debate.

SENATOR HUMPHREY: The President is right, it is a speech. I thought it was a rather good one, myself.

SENATOR MCLANE: Senator Heath, interestingly, Senator Humphrey's non-question sort of brought this to mind. You have said it twice, so I think it is important for me to pin you on it.

SENATOR HEATH: Please.

SENATOR MCLANE: This is so typical of the rhetoric of where we are going to cut, but let's take the ski areas, because you have said it twice. The ski areas not only make money for your information, but they carry at this point, the whole damn park system. I think it is important for that bit of information to get cleared up. If you go around saying, it is like saying that you are going to cut the liquor stores. That is exactly what we are talking about when you say cutting off your nose to spite your face. Would you close down Cannon and Sunapee to spite the fact that they carry at least their own summer operations, if not other parks within the system?

SENATOR HEATH: Senator, I am pleased to respond to that. First of all, the simple answer is in a second, I would close them down. We have no business being in business and competing with private business and doing it poorly. But as to their profit-making ability, I don't know what school of business you went to, but you cannot make the argument that a company, if you want to call it that, because if you were in the private sector it would be, that it has never paid it's capital acquisition expenses that is self-insured, that the cost that you don't see in the books anymore than the cost of the buildings or the equipment, that can't even run a cigar box kind of operation. That is, they can't take in the front door, but they pay out in cost over the years over the course of a fiscal year, 1 out of 50 years, they can't do that. It is not a business that is making profits. If the parks are running off of that, then you believe, well I guess you do believe in flimflam, because you just voted for it. But there is no way that you can make the argument that those businesses in and of themselves, forget that they are self insured, forget the benefits that don't get counted into the picture. Forget the capitalization and the land acquisition that is not in the picture. Even then what you have to look at is the competition, and they undercut private businesses. They advertise, they sell for about \$3 a day under the going private businesses and we tax those with Rooms and Meals, we tax them with the Business Profits. They are competing against taxpaying private businesses and undercutting them. We are subsidizing them. If you look at the books in any fair way, you would have to believe that. If you can't cut that tax dollar, \$63 thousand for one person to run it by a person who by the way, who was last year a critic, the

same as I am now of the operation. That was before he was offered the job, that silenced one critic, but it is an expensive kind of thing to do. If you can't cut that dollar, then don't come back after some more money. I guess that's it. If you cut that, then I will come back with some other savings for you.

Recess.

Senator Delahunty in the Chair.

Senator Currier moved the question.

SENATOR DISNARD: I am going to support this bill. I am proud to be a co-sponsor. What the bill does, it allows this state to ask the federal government if it is possible to obtain additional dollars through Medicaid. Which we have been doing with the 8 percent. I certainly agree with Senator Hollingworth that mandates are being pressed on us and we need to help and this is one way; however, I've heard Democratic candidates mentioned today. I am sitting here as a Democratic Leader and I am hearing the bashing of the Democrats, but I want to say one thing. I haven't heard anyone say what the President in Europe stated, we are not in a recession. Who believes that? I haven't heard anyone say, why should the President be instigating in a few months a loan to Israel to bring in \$12,000,000 of housing to bring in the people from the Soviet Union. I don't hear one person say, why doesn't the President bring back the troops from Korea and bring back the troops from Germany and save us billions and billions of dollars. Therefore, have more monies, because we are allowing the people in Germany, we are allowing the people in Japan to have billions and billions of dollars that we are supporting troops to help them out to have additional dollars because they don't have to spend that money on defense to increase their industries, to buy industries in this country, to improve the mechanisms in their industries so that we can lose to them. Let us look at where we might obtain monies that we are spending rather than bashing everyone all the time. Let's look and do a good job. We need this money. We need it to help offset the mandates and I am for one not going back and telling my people who elected me, that we may have to cut \$200,000,000 in programs in the next two years without looking at the opportunity to obtain dollars from Medicaid that other states are getting. I'm just not going to do it. Thank you.

Recess.

President Dupont in the Chair.

SENATOR COLANTUONO: I also welcome the opportunity to greet my colleagues again. I wasn't going to speak on this issue, but it seems like everyone else has, so I will say my piece, too. I would

like to state in a manner that is not partisan and not demagoguery, Senator Shaheen. Just a few simple facts relating to a key issue raised by this bill which very few people have talked about. It is a serious issue facing us as Americans, not as Republicans or Democrats or people in New Hampshire, but as Americans. That is the fact that in my opinion the most serious domestic issue facing this country and this economy is the fact that we are drowning in a sea of federal debt. The federal debt after 60 years of big government at the federal level, is now at the level of \$3.2 trillion. That is \$16 thousand that each man, woman or child in this country owes, owes to people who hold bonds, whether they be Japanese investors, Europeans, rich Americans or what have you. Interest on the federal debt is \$222 billion a year, which is the second largest item in our whole federal budget. The federal deficit is growing at the rate of \$1,000,000 a day. I think, at least I hope, that every single person in this room understands that the money we are going after is not real money. It does not exist. There is no money appropriated for this, it is not set aside. We are simply increasing the federal deficit by going after this money. Medicaid is an open ended program at the federal level. All that we are doing if we pass this bill is increasing the federal debt, putting a further burden on ourselves and each one of us in the room is a federal taxpayer and we are putting a burden on our children and on our grandchildren. Now the issue is a trail balloon was floated earlier this session about bonding the deficit. That balloon was shot down, no one thought that that was a good idea. But that is exactly what we are doing today. We are bonding our deficit, but instead of using state bonds, we are using federal bonds, treasury notes and securities. We are simply, as I said earlier, enriching foreign investors who buy treasury securities. There is not one person in this room who will ever be able to say again in any political campaign, whether it is their own campaign for higher office, the same office, or supporting some other candidate, or working in the media, or writing an article. No one who votes for this bill will ever be able to say with a straight face, that they care about the federal deficit. Because if you vote for this, you are proving that you don't. Now I am told that by raising these points, I am not being responsible. I am not being part of a team. I am not doing what is best for my citizens. But, the message that I am getting here today, is that the New Hampshire Legislature wants people to believe that leadership in New Hampshire consists of making our state the biggest pig at the federal trough. I don't agree with that. I think that this is a disgrace. I agree with the earlier comments that have been made about it being a flimflam scam. I strongly urge everyone in here to vote against this.

SENATOR J. KING: The last time that we voted on a bill similar to this, I voted for it and I intend to vote for it today. I will reiterate the same statement that I made at that time. That my champion cause has been revenue sharing back to the locals. I think at that time, and I think that most of you are aware of that, because that has been my campaign, my concentration while I have been in the Senate. No matter whether it is the state sending money back to the cities and towns or the federal sending it back to the cities and towns, I am very, very, happy to take it. That is where it belongs in the first place and that is where it should have been used in the first place. I have no qualms whatsoever, of taking back some of the money that we sent down there to begin with. I have no qualms about running, if I ever do run for any other office, or even the same one again, to be concerned about me not being concerned about the federal deficit. I think that by telling them now, that we are willing to take the money from there and put it where it belongs, either the state or the locals, we should do the same thing when we get down there. The amount that New Hampshire is going to get is very, very significant at this point in time. It is insignificant for the way that they spend down in Washington. They won't even know that it's gone. But it is certainly significant here. It could in the long run save us many millions of dollars more because of the businesses it could affect, because of the foreclosures that it could cause and god only knows what it could do. And last but not least, it is a law, passed. Maybe you were down there, Senator Humphrey, I don't know, but passed by the federal government, and New Hampshire like anyone else, has that right to take advantage of it and use it as long as it is done legally, and that is what we are doing. Thank you.

SENATOR HOUGH: I rise in support of passage of this bill. I, too would say that it is good to be back in Concord and in this Chamber. Senator Humphrey, some of your remarks and the purpose to those remarks that was not meant in a personal way, but a statement of position as to how we act was directed at me and I recognized that. I'll accept that and I'll accept the good spirit in which you give that criticism. We had some philosophical argument for and against. We have heard of Senator Humphrey's credo as to conservative government and while I may not agree, and it is correctly articulated and interesting, and I respect your position. I respect you in supporting that position at all times. We have heard from the Leader of the Democratic party, Senator Disnard. We have heard from our Majority Leader, Senator Delahunt, and Father Fischer, if we had a few more hours, we would inflict some religious debate into this debate so that they be all inclusive. But I think that the peoples business in New Hampshire would be best served if we concentrate specifically

on what is in front of us. I am a member of the Fiscal committee and I will take your criticism. As to reconstituting the Fiscal committee, that will be left to the people that are in the Leadership position in this body. But I would tell you this, my 20 years in this State House have brought me to a realization that you confront the problems that the state faces on a daily basis. You don't come to those problems and the resolution of those problems with a philosophical bander or partisan band. You recognize what the issue is and you try to structure and craft a solution to today's problems. The people that were involved in those solutions that would let their philosophies drive them, you would in fact have gridlock if not anarchy. We know what is happening in the state of New Hampshire. We can eliminate state positions, but the state positions that we would be looking to eliminate are in the area of human services, where the caseloads are growing on a daily basis, all well and good. Government has a legitimate right to exist. Government in New Hampshire has a legitimate right to exist. Our sources of revenue in this state are driven on the economy and the economy is on a downturn. We are in a deficit position and we are going to continue to be in a deficit position until the economy turns around. It has done that in the past, and it will do it in the future. This is the worse economic downturn since the great depression in the state of New Hampshire. You are finding replacement industries of the old textiles and woolen industries and railroads being replaced by the Insurance companies and the finance institutions and they are hemorrhaging all across the state and yet there are New Hampshire people that are being displaced. We can't ignore them, we have to fix today's problem with any resource that we have available. I will take the criticism. I will take the responsibility. I do it in all good conscience and tomorrow's solutions to tomorrow's problem will be no more acceptable, but we will face the problem in any fashion that we can so that we can move forward. We have to be positive. We have to give the people of New Hampshire a sense of positive attitudes. New Hampshire as we know does not have a spending problem, it has a revenue problem. Governor Gregg correctly in criticism of me, would lead you to believe that I am responsible for driving us to a broad base tax. That is not the question. He knows full well that there are events that are greater than he is, and that are greater than we are in this body, that are controlling us. We have to fix the immediate problems of the day and face tomorrow's problems with the same type of solution. We have to pass this. It doesn't matter what your philosophy is or what party you are a member of. We are going to pass it, and it will give us a breather. When we come back in January, we are going to find a continued erosion of our revenue sources and we are still going to have to meet

the essential needs of the people of the state of New Hampshire. You'll be here, Roger, and our solutions in January will be even more imaginative, you know it and I know it.

Senator Currier moved the question.

Adopted.

Recess.

Out of recess.

A Roll Call was requested by Senator Humphrey.

Seconded by Senator Nelson.

Paired votes: Senator Pressly and Senator Humphrey.

The following Senators voted yes: Oleson, W. King, Fraser, Hough, Dupont, Currier; Disnard, Roberge, Blaisdell, Bass, Nelson, McLane, Podles, J. King, Russman, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted no: Heath, Colantuono, St. Jean.

Yeas: 19

Nays: 3

Senator Pressly excused.

Adopted.

RESOLUTION

Senator Delahunty moved that the Rules of the Senate be so far suspended as to allow HB 75-FN-A to be on third reading and final passage at the present time.

Adopted.

Ordered to Third Reading.

RESOLUTION

SR 12, urging the Commissioner of health and human services to present a plan for the utilization of certain medicaid moneys to the fiscal committee. Senator McLane.

SR 12

STATE OF NEW HAMPSHIRE
In the year of Our Lord one thousand
nine hundred and ninety-two

A RESOLUTION

urging the Commissioner of health and human services to present a plan for the utilization of certain medicaid moneys to the fiscal committee.

Whereas, children represent the national security of the United States; and

Whereas, children represent the future of New Hampshire; and

Whereas, an investment in children represents an investment in a competitive New Hampshire work force; and

Whereas, New Hampshire's educational, health and protective services are meant to preserve our state's most valuable resource; and

Whereas, the medicaid program was designed to provide health care for Americans living in poverty; and

Whereas, children represent 44 percent of New Hampshire's medicaid recipients, a figure similar to other states; and

Whereas, children receive a smaller proportion of the state's medicaid dollars than the children in any other state in the United States; and

Whereas, New Hampshire's services for children are overburdened; now, therefore, be it

Resolved by the Senate:

That the New Hampshire Senate endorses the use of the administrative fee of the medicaid enhancement legislation for preventive and protective services for children and urges the commissioner of the department of health and human services to present a plan for the utilization of those monies to the fiscal committee.

SENATOR MCLANE: If I could pass out this information too, I would be appreciative. That comes from the Childrens Defense fund. Senator King and I, for a week have been contemplating things that we have heard from Marian Wright Edelman who is a head of the Childrens Defense Fund. For the last couple of days we have been contemplating an amendment to the bill that you just passed. After a long and sometimes emotional day we have finally been persuaded by Doctor Bird, that it might jeopardize \$200,000,000 and seeing that that is more than children have ever seen in this state, we decided that Resolution might be as well. The Resolution has been drafted, and unfortunately, my name got left off. The operative part of this Resolution is on lines 12 and 13. If you leave today with any bit of information, I wish it would be those lines. New Hampshire spends less on Medicaid for children than any other state in the union. Here we are using Medicaid to help our state budget and we felt very strongly that kids and Medicaid should be addressed at the

same time. One of the most telling points that Marian Wright Edelman makes is that when you put money into prenatal care and into vaccinations, into Medicaid coverage for poor children, you get it back 3-fold within the first year. That is the sort of money that New Hampshire is wasting by not doing anything but the minimum. Vermont covers Medicaid up to 215 percent of poverty. We do only the bare federal minimum. Because of that we are losing money on kids. So I am sure that many others of you would have liked to have gone on this Resolution. It took a long time in coming, but I would hope that the members of this Senate could pass this Resolution unanimously, and urge Doctor Bird that if the money comes in, that the first place that he look is for medical preventive programs for kids.

SENATOR PODLES: I support SR 12. This is going to make a positive difference in the lives of children. It is going to give them a chance for a decent life. Also, it is going to provide necessary services for children, services that they really need. A state is usually judged how it takes care of children and I would urge favorable action on this Resolution.

SENATOR NELSON: I rise and it isn't easy to rise on children as usual to say anything against anybody, but make it, let's be clear about this, I am not against children or anything like that. I think that we should have good programs for children, but we don't have good programs for children. I just voted for a piece of legislation because I didn't want to see the taxpayers in Nashua and the rest of the state take it on the chin. Nashua has the highest unemployment rate in the state. We can't ask anymore of those people down there to pay. Now we come in with a "feel good Resolution" that is going to urge the head of Health and Human Services to present a plan. This guy ought to be presenting a plan. No disrespect intended by the word this guy. We shouldn't be urging anybody to do anything. We should be specific in what we are asking and require them to do these kinds of things. This on the heels of everything else. Forget it. Either we take care of these kids or we don't. This is another one of those "feel good Resolutions".

SENATOR HEATH: Senator McLane, is this Resolution, if I read it correctly, this is the first time that I have seen it. Doing what we could have done by law, but not doing it by law, by doing it by Resolution. What we could have done in the budget by law, couldn't we have mandated that through the budgetary process?

SENATOR MCLANE: There are several programs to do with preventive programs. The first one being the vaccines. The second one being the training of social workers. There are several programs

that we did not include in our last budget, because we cut them out. We are saying that if Doctor Bird is going to look at that \$1,000,000 that he has gotten for administrative costs for this program and come to the fiscal committee and ask for a new positions for anything with that money, that we want him to present programs that will help kids. That is all we are saying. It is not, if I may point out, via you to the Senator from Nashua, going to cost the citizens of Nashua anything, because it is Doctor Bird's administrative money that we are tapping.

SENATOR HEATH: But, Senator, why is it that you didn't do this yourself, why are you urging Doctor Bird to do this when you had the opportunity in serving on the appropriate committees to do that by law instead of Resolution urging him? Isn't that passing the buck?

SENATOR MCLANE: No. It isn't at all passing the buck. These are programs that were defeated in the last session that we are putting forward and saying to Doctor Bird, if you spend money on anything, this is where we want you to spend it, is on children. True, we are not saying to him, you have to do that. We are urging him. But that is what a Resolution is all about. A Resolution has no force of law. But it's point is to point out again, and again, and again, that New Hampshire should be ashamed of itself in terms of what it does for kids. We are lowest in Medicaid for kids.

SENATOR HEATH: Beside from the fact that I disagree that New Hampshire should be ashamed of itself for what it does with children, because it does quite well. Senator, why would you not make this a piece of legislation instead of making a Resolution if you believe that deeply that we should be doing this?

SENATOR MCLANE: It is waiting on the receipt of the Medicaid money. We were convinced that if you put a hold on that Medicaid money before it has been received, that it would jeopardize the state's applying for the money and we did not want to do that.

SENATOR HEATH: Is that some sort of subterfuge that it jeopardize it if we came out and said this is what that money should be spent for?

SENATOR MCLANE: I clearly resent that subterfuge. I think it is very, very clear what this Resolution calls for. It calls for people like yourself to look at the situation of kids and Medicaid in this state and to urge the director to make a program clearly with the next money that he has to help kids. I think it is as clear as it can be.

SENATOR COLANTUONO: Some people might not believe this, but I suppose that I could support the Resolution on the grounds

that first of all, it's harmless and second of all, I would rather see the money now that we have it, be put to good use rather than just enter the administrative budget over there. But I guess my question is does it really cost a million dollars to administer this Medicaid tax that we just passed? Is that what we are being told?

SENATOR MCLANE: Five million is the cost.

SENATOR COLANTUONO: Five million dollars . . .

SENATOR MCLANE: Well you have to get those fax machines, fax the money down, fax the money back. I'm just trying to point out to Doctor Bird and to the Governor, that we are failing in our priorities in kids and that is where we would like to see that money go.

SENATOR W. KING: Senator Heath, I guess I would like to start by just saying that you and I probably agree to some extent in terms of the questions that you asked Senator McLane. The fact of the matter is, that this is more feel good than it is anything else. Although, I would hope that Doctor Bird would get the message fairly clearly from us that if the Senate is interested in this, that during the next go around on the budget, which is going to be happening starting in January that he would best be aware of that and do something about it. This does ask him to take a specific action which is to present a plan to the Fiscal committee. I guess I was one of the people who felt as Senator McLane did initially, that we ought to put this in the legislation. Commissioner Bird carrying the water for the Governor, decided that he had best tell us all that we couldn't possible do this. The interesting thing to me about this is, that Commissioner Bird thinks that it is okay for us to look for \$250,000,000 of Medicaid money to balance our budget, and to say it right out front, that we are looking for this money to balance our budget. But to put anything in there about serving poor kids, we might not get that money. Now that is absurd on it's face. Because the purpose of Medicaid dollars is to serve poor kids. Commissioner Bird is nuts I think, when it comes to this issue. But there is nothing that I can do about it from a practical point of view. We didn't have the votes. So because we didn't have the votes, and because we couldn't build a consensus for the votes which is the most important part of it, it was felt that the best thing for us to do would be to let Commissioner Bird know full well that this Senate believes that we are not meeting the needs of children in this state. That in fact by not meeting those needs it is going to cost us more in the long run. If we do not do something about that, and specifically, if we do not use some of this \$5,000,000 in administrative funds that it was going to cost us far more in the long run. I don't think that anybody could dispute that we have already set-up the structure that we need to administer these Medi-

caid dollars because we have already seen them coming into the state. We don't need more bureaucrats to administer the dollars just because we have \$250 more of them. We made one more fax machine to keep Senator McLane happy, but we don't need more bureaucrats and we don't need to spend more money on administration. Commissioner Bird better bring forward a plan for dealing with those administrative dollars in the way that we have requested or he is going to find himself up against a lot of stone walls in the next session of the Legislature.

SENATOR NELSON: Senator King, I want to just say that I certainly appreciate the work and the hard work that all of the Senators who put their name on this bill. I know Senator Podles works very hard for children. I have seen all that she has done raising money. Senator Shaheen has kids of her own and so forth. No, I don't want to make light of anything, but the question I want to ask is this, do you not think that Commissioner Bird who is a top ranking official in the Executive Branch of government in the state of New Hampshire, who has already met with you, doesn't already know about this and some Resolution is going to make a major difference in the way in which we handle these programs for children in the state of New Hampshire and fund them?

SENATOR W. KING: Senator Nelson, I think that if the Senate goes on record with this Resolution it will be a clear message to Commissioner Bird that his behavior needs to change in the next session of the Legislature and that he needs to start to working for both the Legislative Branch as well as the Governor.

SENATOR NELSON: Am I to understand, Senator King, that the same gentlemen who sat in room at the Bridges house, with all of these lustrous people and this body, is the same man to which you refer and does not know the wishes of the Legislature, that we have to put it in this Resolution? If he doesn't know it by now, when is he going to get it?

SENATOR W. KING: Well, Senator Nelson, I am not sure that I can comment on that. I think in general, bureaucrats need to be reminded on a fairly regular basis of what it is that we want from them and particularly when they feel that they have to carry water for the Governor as well.

SENATOR NELSON: Senator King, after all of the discussion we have had on this floor about bipartisan activity with the Governor sitting at the meeting at the Bridges house, it was my understanding that we are all carrying water, regardless of party or title, for the people of the state of New Hampshire and Harry Bird was one of them, would you believe?

SENATOR W. KING: Yes.

SENATOR HUMPHREY: Well I don't want to belabor the matter, but I think it is important to clarify. Are we talking about spending now for the purposes outlined in the Resolution? The money that we have just voted to apply for? Is that the idea?

SENATOR MCLANE: The administrative.

SENATOR HUMPHREY: But it is that money which we have just voted to apply for which will pay for this program, is that correct?

SENATOR MCLANE: Yes.

SENATOR HUMPHREY: So in seeking and embracing that Medicaid scam, we are doing that not only to make up the deficit, but to embrace new spending as well, is that correct?

SENATOR MCLANE: To administration or go to kids, whichever one you want?

SENATOR W. KING: The Senate President has noted that a Resolution can't spend money, and I will repeat that on his behalf. I will add to that that we are not asking that any more be spent. We are saying that the money should not be spent on bureaucrats, but on things that will save us money in the long run, and specifically on areas where deficits exist in serving the needs of children in the state of New Hampshire.

SENATOR HEATH: Senator Wayne King, do you not in counting the absurdities in this whole fiasco, do you not count also, the absurdity the federal government, never mind which party controls Congress and designed this legislation allows \$5,000,000 for the state of New Hampshire and probably by the same ratio to other states to administer something that costs us essentially nothing to administer. Is there an absurdity in there, and is there waste built into that program that has such a high administrative margin as \$5,000,000 for something that testimony by the administrator of it, says it cost him virtually nothing to administrate.

SENATOR W. KING: The answer is yes indeed that I believe it to be absurd and that is why we have put this Resolution in so that we ask for it.

SENATOR HEATH: Then do you agree that this is a program on the federal level, is cropped with waste?

SENATOR W. KING: I think that this was poorly written legislation on the federal level, absolutely. But that in part, it was meant to address what is an extraordinary serious problem in this country and that is that 37 million people are without health care and we have administration who doesn't care about that.

SENATOR SHAHEEN: Senator King, isn't it true that is addressing only the 1 percent of the fund that is earmarked directly for administration?

SENATOR W. KING: That is correct.

SENATOR SHAHEEN: And isn't it true that the sense of this Resolution is that we take that money and instead of putting it into those administrative costs, we ask the Commissioner and the Health and Human Services to put it directly into programs?

SENATOR W. KING: Correct.

SENATOR SHAHEEN: And that is the only thing that we are trying to do here?

SENATOR W. KING: That is correct.

SENATOR MCLANE: Senator Nelson, if you recognized that after a long day we have come up with a Resolution which is principally meant to be educational. Did you know that New Hampshire was 48th in it's support for Medicaid payments for children?

SENATOR NELSON: I absolutely knew that education is 48th in Medicaid, 50th in Education, cuts all funds to children, but I say to you and my wonderful colleague from the seacoast, your answer, that urging the Commissioner to present a plan is no guarantee that the plan is going to be there. That's all I am saying. So, yes, the answer to the question is, yes. Not only did I know it in that, I knew it in Education, and all of the other areas in the Medicaid, in the food program, the food stamps, all of those little kids that are starving, all the people that are out of work. Yes, I know that. Why do you think that I have this intensity because I think that we ought to do something instead of just saying these little urges to a man who can say, no, because there is no weight of law in this. I am agreeing with you in a crazy sort of way, you might say.

SENATOR MCLANE: Good.

SENATOR HEATH: Senator Shaheen, you mentioned the high administrative cost that we don't need to spend that can be transferred over to this program. I don't frankly, disagree, but I am asking you if this program that is not so well, that we can take essentially all of the administrative cost, collect them as if we were administrating and then put them back into program. Are there not other programs that Congress has handed down that would have this kind of largess that we can take advantage of to help our economic situation here?

SENATOR SHAHEEN: I guess the only thing I am concerned about today, is this program and how we can deal with it in a way that is going to help the kids in this state.

Senator Currier moved the question.

Adopted.

SR 12 is Adopted.

Senator Heath in opposition to SR 12.

ANNOUNCEMENTS

SENATOR DELAHUNTY (Rule #44): A little earlier we welcomed guests to the Senate and everybody had a chance to introduce their guest and we evidently have a new addition to the Senate family. I think that it would be nice to give our Senate President and his lovely wife, Andrea and send them a congratulations for their newly born daughter, Ashley Ann who was born on Wednesday. Congratulations.

PRESIDENT DUPONT: I would like to take a minute to respond to that. I want you all to know that both Andrea and I appreciate greatly, and she will visit at some point during the session and again, thank you all for the kind words. Mother and daughter are both doing well.

Recess.

Out of recess.

HOUSE MESSAGE

The House of Representatives has passed a Resolution with the following title, in the passage of which it asks the concurrence of the Senate:

HJR 5, urging Congress to place a moratorium in the changes in the current medicaid regulations to ensure that New Hampshire's medicaid enhancement fund is fully funded for fiscal years 1992 and 1993.

INTRODUCTION OF HOUSE BILLS

HJR 5, urging Congress to place a moratorium on changes in the current medicaid regulations to ensure that New Hampshire's medicaid enhancement fund is fully funded for fiscal years 1992 and 1993. Finance committee.

Referred to Finance (Rule #24)

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

RESOLUTION

Senator Delahunty moved that the business of the day being completed, the Senate recess for the purpose of House Messages and Enrolled Bills reports, and amendments when we adjourn we adjourn to the Call of the Chair.

Adopted.

Senator Currier moved that we recess to the Call of the Chair.

Adopted.

LATE SESSION

HB 75-FN-A, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund. Ways and Means committee. Ought to Pass. Senator McLane for the committee.

Senator Currier moved that we recess to the Call of the Chair.

Adopted.

Recess.

Out of recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 75, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund.

Adopted.

Senator Currier moved that we adjourn.

Adopted.

Adjournment.

SENATE JOURNAL

SUBJECT INDEX

The index on the pages immediately following refers to bills and resolutions by number. Some of the subjects are in amendments rather than the original bills. Other subject matter is referenced to page numbers. The numerical index following this index gives the page reference to all amendments and action on numbered bills and resolutions.

A

Abortion

- encouraging introduction of French abortion pill RU486 into US,
and urging that NH be site of clinical trials HCR 11
- minors and incompetents, parental notification required SB 34

Access to health care, advisory committee HB 319

Actions and proceedings

- child abuse and neglect, confidential information SB 94
- product liability actions, discovery, disclosure of information SB 91
- wrongful death, damages, elements to be considered; limitation
increased SB 81

Active military service, definition HB 116

Adjutant general

- capital improvements appropriation HB 35
- supplemental appropriation HB 50

Administrative inspection warrants, municipal officials HB 385

Administrative procedures

- interim rule adoption procedure changed; alternate members added to
legislative committee on administrative rules SB 24
- reimbursement rates for medical assistance exempt from publication...HB 213am
- rules, proposed, statement that they do not violate constitutional
ban on unfunded state mandates SB 97

Administrative services

- American Management Systems contracts, appropriation; bonds HB 25
- capital improvements appropriation; 1989 appropriation extended HB 35
- collection of fines and fees, study HB 610
- commissioner, authority to contract for attorneys for indigent
defendants removed HB 707
- lease purchase agreements with Derry and Milford for new district
courthouses HB 193am
- Manchester district court, new facility; site planning appropriation;
architectural requirements HB 328
- Nashua superior courthouse, furnishings and security system,
appropriation; bonds SB 64
- plant and property division, supplemental appropriations for heat,
electricity, and water HB 50
- purchase of supplies, waivers from requirements to prevent loss
of federal funds HB 65am
- report on participants covered by state group health insurance HB 65am
- Rockingham county, new courthouse
and Hillsborough county courthouse furnishings, appropriations,
bonds SB 117
- appropriation; bonds SB 11
- state sponsored credit card program SB 59

Adoption

- appeal of decrees, priority in supreme court SB 104
- appeals, supreme court urged to give preferred status SCR 3
- person to be adopted present in state; documentation
for child from out of state SB 96

Advertising

- alcoholic beverages, restrictions on wholesale distributor licensees HB 65am
- outdoor. See: Outdoor advertising

Advisory committee on economic development	SB 111
Aerial lift safety , funds transferred to general services	HB 50
Aeronautics	
airmen, registration certificates good for 4 years, fees increased	HB 167
commission, various airports capital improvements	
appropriations extended	SB 117
division, capital improvements appropriation; various appropriations	
extended	HB 35
Affordable housing fund , 50% of accumulated surplus of IDA	
may be allocated	HB 648
Agricultural plates , tractors; towing implements included	HB 373
Agriculture	
commissioner, milk, small producers, minimum prices; rulemaking;	
fines	HB 442am
department	
animal industry division, funds transferred to general services	HB 50
manure, compost, and chemical fertilizers, best management practices,	
investigation of improper handling	HB 153
mosquito control committee reinstated	SB 124
products, uniform penalties	HB 356
AIDS , exposure of towing personnel, notification to medical	
referral consultants	SB 47
Air pollution	
control, motor vehicle emissions inspections program, termination	
date extended	HB 114
laws, enforcement by local officials, notification of attorney	
general and air resources director	HB 751
Air resources	
funds transferred to general services	HB 50
permit application fees, nonlapsing fund continually appropriated	HB 211
Airmen , registration certificates good for 4 years, fees increased	HB 167
Airports	
Berlin and Whitefield, 1989 appropriation redesignated and extended	HB 688
capital improvements appropriation	HB 35am
Skyhaven airport operation commission	SB 5
Alcohol and drug abuse prevention office	
capital improvements appropriation	HB 35
multiple offender intervention program, rulemaking	HB 627
Alcoholic beverages	
advertising restrictions on wholesale distributor licensees	HB 65am
agency liquor stores, regulation; location	HB 334
drink rail, defined	HB 125am
driving under influence. See: Motor vehicles, DWI	
intoxication level reduced	HB 298
licenses	
hotel cocktail lounges, requirements	HB 65am
military clubs, special; age of applicants changed to 21;	
employment of minors	HB 390
on-site caterers may subcontract for food preparation	SB 185am
supplemental, on-site caterers, service to general public; veterans	
and social clubs, minors allowed at certain times	SB 206am
state stores	
and establishments selling, warning to pregnant women of risk	
of birth defects	HB 299am
closed stores reopened; proposed closures prohibited	SB 39
I-95, capital improvements appropriation	HB 35am
I-95 North, appropriation; bonds	SB 117
located on interstate highways, reimbursement to locality for	
emergency services; negotiations	HB 65am
Plymouth, driveway permit	SB 117
profitable, closed with fiscal committee and governor	
and council approval	HB 143am
transporting open containers or transporting by minors, penalty	HB 620am

Alcoholic beverages (cont.)

wines, NH products defined; percentage blend approved by liquor
commission SB 123am

Alimony

child's social security benefit payments or subsequent
spouse's income not considered HB 455
exception HB 118am

Alzheimer's disease

placement of those afflicted, study HB 397
respite care, appropriate fees, limitation repealed HB 221

Ambulances, emergency medical services, licensing,

administrative fines HB 65am

American Management Systems contracts, appropriation; bonds HB 25

Anatomical gifts, notice on all driver's license forms SB 106

Androscoggin River, Berlin, waters reclassified. HB 560

Animal industry division, funds transferred to general services HB 50

Animals

commercial feed, sales, uniform penalties HB 356
damaged by dogs, reimbursement by towns only if
owner of dog or insurance does not pay SB 115am
riding or driving on roadways, safety provisions HB 158am
transporting in open trucks prohibited unless in cage SB 68

Antique motor vehicles, registration plates issued same year as

manufacture of vehicle HB 335

Apples, grading, hearings; uniform penalties HB 356

Appropriations

capital improvements
certain projects funded by bonds; amounts from capital reserve
fund transferred to general fund HB 50am
reduced if revenue is less than expected HB 35
operating budget
1991 supplemental HB 50
1991 supplemental, effective date changed HB 171am
1992 and 1993 HB 25
1992 and 1993, affirming senate version and urging conference
committee to return to negotiations SR 10

Arbitration

domestic relations cases HB 530
new motor vehicle warranties. HB 224

Architectural barrier free design code, new public buildings HB 35

Armed forces

general court member, vacancy due to active military service HB 116am
military reserve and national guard, temporary active duty, not
incompatible with state office CACR 7
supporting US troops in the Persian Gulf. HCR 4
Women in Military Service for America Memorial Foundation, Inc.,
donations encouraged; appropriation SB 144am

Art fund, gifts, donations, or grants deposited; % from bid

price on new or enlarged state buildings removed SB 219

Artificial impoundments, study HB 210

Asbestos

management and control, administrative fines HB 65am
removal from state buildings, appropriation HB 25

Ashuelot River, Winchester, waters reclassified HB 560

Assault, against law enforcement officer; extended

term of imprisonment SB 27am

Athletic trainers, definition; licensed by board of medicine SB 62

Athletics, gender equity, study SB 85

Attachments, prejudgment, against banks prohibited	HB 704
Attorney general. See also: Justice department	
charitable trust filing fees, restricted revenue	HB 25
securities regulation	HB 65am
to consider avenues to resolve border dispute with Maine	
concerning Portsmouth Naval Shipyard and inner harbor	HJR 1am
Attorneys	
general counsel added to PUC	HB 713
indigent defendants	
administrative services commissioner authority to contract	
for services removed.	HB 707
fees, transfer of funds	HB 65am
program, supplemental appropriation	HB 50
repayment of fees, conviction not required; juvenile delinquents,	
repayment to cost containment unit.	HB 381
Auburn district court, sessions in Northwood deleted	HB 193am
Automated teller machines, warning if transaction fee is charged	SB 17

B

Bail and recognizances. See also: Recognizance	
bail jumping, penalties changed; arrest, jurisdiction.	SB 45
Ballot law commission	
alternate members; hearing date	HB 544am
appeals from board of recount	HB 525
Bancroft Products, Inc., Concord, lease of state land	HB 761am
Bankruptcy law, study	HB 307
Banks	
and financial institutions, study	HB 283am
automated teller machines, warning if transaction fee is charged	SB 17
business loans, collateral on personal guarantees	SB 92
commissioner	
fair credit billing, definitions; corrections of billing errors;	
examinations; penalties	HB 139
investment of public funds, secured by collateral, rulemaking;	
advisory committee on collateralization	SB 83am
public deposit investment pool, state and other governmental	
units	SB 102am
conversions	HB 313
department	
appointment of assistants, contract services, assessment of	
costs of examination	HB 475
small loan fund balance lapsed to general fund	HB 50
Federal Home Loan Bank Board, name changed to Office of Thrift	
Supervision	SB 52
liquidation, emergency waiver of authorization to commence banking	
operations; FDIC as liquidating agent not subject to waiver; open	
bank assistance; prejudgment attachments prohibited.	HB 704am
receiving assistance from FDIC, deduction under business profits tax ..	SB 228am
recognizing FDIC chairman L. William Seidman for his	
responsiveness to banking needs of the state	SR 4
safe deposit boxes, rent unpaid, opened before officer	
of corporation; auction, time extended	HB 454
taxes, credits under business profits tax, application	HB 64am
Banquet facilities, alcoholic beverage license same as on-site	
caterers	SB 185
Barbers and cosmetology board, funds transferred to general services	HB 50
Bass, Sen. Charles F., thanked for flowers presented to ladies of	
the senate	1261, 1425

- Bear, hunting
 - baiting
 - prohibited.....HB 456
 - provision repealed.....HB 245
 - license, free to holders of lifetime license; reference to special
 - license removed.....HB 212
- Belknap county
 - attorney, salary, method of setting.....HB 429
 - commissioners elected by voters of districts; convention proceedings
 - printed annually.....HB 154
- Bellamy River, water rights for Dover.....SB 187
- Berlin
 - Municipal Airport, 1989
 - appropriation redesignated and extended.....HB 688
 - capital improvements appropriation, purpose changed.....SB 117
 - technical college, capital improvements appropriation.....HB 35
- Beverage containers, certain plastic holding devices prohibited.....HB 611
- Big Pea Porridge Pond, Madison and Conway, boats with internal
 - combustion engines prohibited.....HB 555
- Bill of rights for children adopted.....HCR 7
- Billboards. See: Outdoor advertising
- Bills and resolutions
 - amending or repealing revenue returned to cities and towns, "local"
 - placed after bill number.....SB 15am
 - deadlines for 1991 session.....SR 8
 - debt service fiscal impact note.....HB 622am
 - fiscal notes required, exceptions.....HB 65am
 - HB 685am
 - prior notification to certain unions of bills affecting retirement
 - system.....SB 207
- Bingo
 - charitable organizations, number of winner take all
 - games per date increased.....SB 181
 - inspection, funds transferred to general services.....HB 50
 - lucky 7, funds transferred to other agencies.....HB 50
 - prize value and number of games increased.....SB 157am
 - effective date changed.....HB 65am
 - raffles at same time and place.....SB 189am
- Births
 - defects, warning to pregnant women of risk, at state stores and
 - establishments selling alcoholic beverages.....HB 299am
 - premature, study.....HB 288
 - prenatal care, access for low income women, appropriation.....SB 177
 - registration cards, fees increased.....HB 65am
- Blaisdell, Sen. Clesson J.
 - remarks about University system budget.....219-220
 - remarks on Finance committee and budget suggestions.....299-300
- Blind
 - aid to needy, electronic benefits disbursement system.....SB 128
 - services, rulemaking authority, education commissioner.....HB 463am
- Boats
 - marine pollution, administrative fines.....HB 496
 - motor
 - horsepower limited on Long Pond in Northwood, compliance date
 - extended.....HB 286
 - internal combustion engines prohibited on Big Pea Porridge Pond,
 - Madison and Conway.....HB 555
 - maximum speed limits; fines.....SB 193
 - petroleum powered prohibited on Tewksbury Pond in Grafton.....HB 419
 - sailboards, personal flotation devices not required.....HB 351
 - sales without mufflers prohibited, exception; various penalties
 - added; mooring without permission prohibited.....HB 517am

Boats (cont.)

ski craft redefined to include wave runner SB 63

Bob Crouter, heart transplant recipient, remarks on naming anatomical
gifts act for (SB 106) 214-216

BOCA Basic Building Code, most recent edition adopted as rule.....HB 282

Bodily injury, governmental units liability limited, streets
and sidewalks, weather hazards SB 151

Boiler and elevator inspection fund repealed HB 65am

Bonds

revenue

American Management Systems contracts.....HB 25

capital improvements appropriation HB 35

Cheshire bridge, Charlestown HB 323

Conway branch railroad line.....SB 162

Conway village fire district HB 171am

economic development fund HB 50am

emergency shelter program for homeless HB 50am

fire standards and training commission, new facility, architectural
and engineering studies HB 50am

fire training academy SB 41

Glendale boathouse repair HB 50am

Gosling Road, Newmarket, additional improvements.....HB 427

highway construction projects HB 324

highways, borrowing power; turnpike system revenue bonds SB 3

Laconia - I-93 connector highway SB 60

land conservation investment program reimbursement to general fund....HB 50

Lebanon airport SB 117

Ledyard bridge, Hanover; environmental and engineering design
studies.....HB 448

liquor store on I-95 North.....SB 117

Manchester airport access, preliminary designs
and environmental impact HB 393

Manchester district court HB 328

Nashua superior courthouse furnishings and security system.....SB 64

NH Savings Bank land and building.....HB 65am

.....HB 785

Pease development authority.....HB 65am

Plymouth bridge on route 175A in Plymouth SB 54

Rochester post office renovation HB 193am

Rockingham county courthouse.....SB 11

Rockingham county, new courthouse, and Hillsborough county
courthouse furnishings SB 117

state house fire protection and electrical system HB 50am

supreme court computer hardware HB 25

truck lane construction, route 2 in Jefferson.....SB 14

Warren bridge on route 25 in Warren SB 55

water pollution control revolving loan fund.....HB 50am

water pollution state aid grants HB 25

surety

executors and trustees, probate judges discretion HB 269

timber cutting in certain cases HB 519

Borders, NH-Maine, dispute concerning Portsmouth Naval Shipyard and inner
harbor, attorney general to consider avenues to resolve.....HJR 1am

Bradford, Lake Massasecum and Warner River, hydrologic study
and field surveys SB 65

Bridge Street bridge, Storrs Street, Concord, added to 10 year
construction plan.....HB 553

Bridges

10 year construction plan, Bridge Street bridge, Concord, added;
Washington Street bridge removed HB 553

and highways, betterment program.....HB 660am

Cheshire bridge, Charlestown, purchase and rehabilitation,
appropriation increased HB 323

- Bridges (cont.)**
 construction, long-range program HB 784
 Ledyard bridge, Hanover to Norwich, VT, environmental
 and engineering design studies; bonds HB 448
 Plymouth bridge on route 175A in Plymouth, replacement
 appropriation; bonds SB 54
 Warren bridge on route 25, high priority replacement SB 55am
- Bristol Federated Church**, charter reinstated HB 202am
- Brookline-Hollis** cooperative school district, converting from
 area plan, reimbursement appropriation SB 149
- Budget**
 capital improvements
 certain projects funded by bonds; amounts from capital reserve
 fund transferred to general fund. HB 50am
 reduced if revenue is less than expected HB 35
 federal, balanced, petitioning Congress to submit a constitutional
 amendment to the states HCR 2
 operating
 1991, supplemental appropriations. HB 50
 1991, supplemental appropriations; effective date changed HB 171am
 1992 and 1993 HB 25
 1992 and 1993, affirming senate version and urging conference
 committee to return to negotiations SR 10
- Building and loan associations**, conversions HB 313
- Building codes**, violations
 cease and desist orders HB 523
 district court jurisdiction; citations; pleas by mail HB 595
- Building permits**, proposed zoning ordinances not applicable to
 plats or applications already accepted HB 577
- Buildings**, public
 BOCA Basic Building Code and Life Safety Code, most recent editions
 adopted as rules HB 282
 designated smoking areas required HB 702
- Bulk commodities**, sale by weight, vendor to keep copy of
 invoice and original weight ticket HB 447
- Bush**, President George, commended for leadership in the Persian Gulf war ...SR 5
- Business corporations**, charters reinstated, time extended HB 202
- Business profits tax**
 credits for job creation and capital expenditures; annual
 analysis of credits HB 64am
 deductions
 determining reasonable compensation HB 378am
 qualified investment company and banks receiving assistance from
 FDIC SB 228am
 estimated payments, percentage rates changed HB 593am
 exemption for qualified business in enterprise zone SB 217
 increased for one year HB 146am
 requesting revenue administration to change its interpretation applying
 business profits tax to sale or rental of personal residences SR 11
 US Internal Revenue Code defined HB 322
 SB 119
- Businesses**
 and industries, changes in corporation law to entice to the state;
 what types to encourage; study SB 57
 NH, international trade promotion SB 28
 small, mini-loan program; appropriation SB 145

C

- Camp Sargent Road**, relocation HB 324
- Canada-NH** trade council SB 152am

Cannon Mountain, ski area	
certain operating costs a direct charge against gross sales	
receipts	HB 53am
operations	
capital improvements appropriation	HB 35
fund increased.	SB 117
Capital budget overview committee, review of projects in	
capital improvements appropriation act.	HB 35am
Capital improvements	
appropriations; reduced if revenue is less than expected	HB 35
certain projects funded by bonds; amounts from capital reserve	
fund transferred to general fund.	HB 50am
Capital reserve funds	
cities, counties, or towns, funds invested in securities, collateral	SB 83am
invested in public deposit investment pool administered by bank	
commissioner.	SB 102am
Capitol area government center, state purchase of land and	
building from NH Savings Bank	HB 65am
.....	HB 785
Capitol Leasing Company, Inc., charter reinstated.	HB 673am
Catastrophic illness, funds, use; study	SB 74am
Caterers, on-site, alcoholic beverage	
license, subcontracts for food preparation	SB 185am
supplemental license, service to general public	SB 206
Cemetery, veterans, Pease Air Force Base	HB 465
Centennial Home for the Aged, NH, charter amended, authority	
to hold property increased.	HB 349
Central NH turnpike	
construction and reconstruction of exits, relocation of Camp Sargent	
Road, and extension of circumferential beltway; appropriation	HB 324
Laconia - I-93 connector highway, appropriation; bonds.	SB 60
sequencing of projects, and Nashua traffic conditions, study	SB 167
Certificate of need, procedures changed	HB 613
Channel 8, urged to provide NH news coverage or allow another station	
to broadcast from the summit of Mt. Washington	HCR 8am
Charitable organizations, tax exemption application filed	
with municipality	HB 652
Charitable trusts, filing fees restricted revenue	HB 25
Charters	
amended, NH Centennial Home for the Aged.	HB 349
cities and towns, local option	HB 579
reinstated	
Bristol Federated Church and Kim Sing Realty Co., Inc.	HB 202am
business corporations, time extended	HB 202
Capitol Leasing Company, Inc. and Hagen and Spegiali, Inc.	HB 673am
Checks, payment by, credit card as identification, recording	
information prohibited	HB 752
Chemical fertilizer, best management practices,	
authority of agriculture department	HB 153
Cheney, Bruce G., retiring Chief of police of Laconia, res honoring	429
Cheshire bridge, Charlestown, purchase and rehabilitation,	
appropriation increased	HB 323
Cheshire county, attorney, salary, method of setting.	HB 429
Chicago Board Options Exchange, securities listed exempt from	
registration.	HB 311
Chief medical examiner, indemnification	HB 65am
new position	SB 192am

Child care

- in public and private sector buildings, zoning ordinances to encourage, study extended HB 711
- resource and referral services HB 502
- standards and licensing, funds transferred to general services HB 50

Child day care and child placing agencies, administrative fines HB 65am

Child placing agencies, child redefined SB 220am

Child pornography, purchase, possession, or control, misdemeanor HB 436

Children. See also: Juvenile delinquents; Minors

- abused or neglected
 - definitions amended; protective custody by police officer only;
 - written court orders; transfer of legal custody; dispositional orders reviewed every 6 months SB 199
 - delinquent, or in need of services, appeals to supreme court SB 198
 - delinquent, or in need of services, court ordered placement out of district, education department notified HB 461
 - delinquent, or in need of services, reports filed 5 days before hearings HB 396am
 - proceedings, confidential information SB 94
 - statewide community based prevention plan, report date extended...HB 330am
 - summons to include explanation of proceedings; preliminary hearing, consequences to parental rights explained SB 125
- adoption, present in state; documentation for child from out of state SB 96
- and youth services
 - capital improvements appropriation HB 35
 - case records confidential; access, rulemaking SB 94
 - foster care, speedy payments SB 61
 - funds transferred to provide training for social workers and juvenile services officers HB 65am
 - parole duties of juvenile parole board SB 95
 - rate setting methods, study SB 140am
 - supplemental appropriation HB 50
- bill of rights adopted HCR 7
- corporal punishment by parent, clarification of reasonable force SB 113
- custody, award; stepparents' visitation rights HB 567am
- dependent, aid to families
 - electronic benefits disbursement system SB 128
 - funds not reduced; transfers to emergency assistance, conditions HB 65am
 - supplemental appropriation HB 50
- developmentally delayed, special education HB 433
- foster care
 - child over 18 enrolled in high school SB 220
 - speedy payments by children and youth services division SB 61
- in need of services, study HB 54am
- legislative oversight committee HB 331
- ombudsman for, study HB 330
- preventive and protective services, endorsing use of medicaid
 - enhancement tax administrative fee SR 12
- residential care, child redefined SB 220am
- severely emotionally disturbed, services purchased from nonprofit organizations by state exempt from competitive bidding HB 431am
- support
 - electronic benefits disbursement system SB 128
 - orders, modification, substantial change or 3 years after last order HB 406am
 - payments made to human services division HB 392

Chiropractors, treatment by, insurance coverage SB 30

Choice in education

- program, certain school districts SB 131
- voucher program SB 103

Christa McAuliffe planetarium, programs and equipment totally

- funded from gifts exempt from competitive bidding SB 214

Cigarettes

- sale to minors, penalties HB 696
- study of sales SB 129
- tax decreased HB 649am

Cigarettes (cont.)

tax stamps affixed in state	SB 129
use or possession of tobacco products by minors prohibited	HB 353am

Cities

class IV and V highways, regulation of use; conformance to <i>Manual on Uniform Traffic Control Devices</i>	HB 339
elections, hours of polling determined by city council 30 days before election	HB 754
local option charters	HB 579
tax rates set by	SB 201

Civil actions

jury trials, amount in controversy exceeding \$1,500	HB 715
trials, 6 member jury	CACR 11am

Civil Rights day to replace Fast day	SB 229am
.....	HB 127

Claremont , technical college, capital improvements appropriation	HB 35
--	-------

Clearcutting regulated, study	HB 709
--	--------

Clerk

assistant	
Jeanne Geiman nominated	9
Lois Schmelzer nominated and elected	9-10
Gloria Randlett elected	8-9

Cocktail lounges , alcoholic beverage licenses, requirements	HB 65am
---	---------

Cohen , Sen. Burton J., announcement of engagement	861
---	-----

Cold storage , administrative fines	HB 65am
--	---------

Collective bargaining

public employees, exempt from municipal budget law 10% rule	HB 209
state employees	
factfinder's report rejected	HB 65am
issues expanded	SB 75

Colleges and universities

scholarship program for children of safety personnel killed in line of duty	SB 218
state, tuition waiver for	
municipal police officers	SB 227
state police	SB 204

Columbia , school district, foundation aid, 1992 amount	HB 341am
--	----------

Commercial banks , conversions	HB 313
---	--------

Commission on state mandated programs and responsibilities	SB 21
---	-------

Committee re-referrals

assault against law enforcement officer, extended term of imprisonment	SB 27am
athletic trainers licensed by board of medicine	SB 62
boats, maximum speed limits	SB 193
chief medical examiner, indemnification; new position	SB 192am
child redefined for residential care and child placing agencies	SB 220am
conservation corps appropriation	SB 18
Conway branch railroad line, rebuilding appropriation	SB 162
dental board, administrative fines; fees set by rule; disciplinary actions; procedures for hearings	SB 16
enhanced family care facilities, board and care rates increased	SB 172
FERC urged to deny request for rate increase for PSNH	SCR 2
household hazardous waste study	SB 186am
Laconia - I-93 connector highway, study	SB 60am
manufactured housing parks, administration and enforcement of laws ..	SB 205am
meals and rooms tax, distribution of revenue	SB 213
motor vehicles, DWI, age under 21, administrative revocation of license	SB 196am
public documents posted in health care facilities	SB 159
retirement communities, age requirement changed	SB 76
school administrative units, study	SB 156

security deposits not subject to claims of landlord's creditors	SB 107
state mandated programs, commission to study and eliminate	SB 21
state police jurisdiction in DWI and drug cases	SB 154
sunset review of state agencies	SB 120
voter registration by tax collector or treasurer	SB 184am
wrongful death, damages, elements to be considered; limitation increased	SB 81

treatment authorized by public health services	HB 179
vaccine purchase fund	SB 72am

transferred to joint legislative account.....SB 178

Construction contracts, bidders violating workers' compensation laws, damages	HB 607
Consumer protection	
fair credit billing, correction of errors	HB 139
notice of rights under new vehicle warranties	HB 224
scam telephone sales calls, complaints, justice department investigation	SB 105
Containers, beverage, certain plastic holding devices prohibited	HB 611
Contoocook River, designated as protected	HB 674
Conway	
branch railroad line, rebuilding appropriation	SB 162
bypass, toll provision repealed	HB 324
village fire district, sewer treatment, appropriation; bonds	HB 171am
Cooperative banks, conversions	HB 313
Coos county, superior court, capital improvements appropriation	HB 35am
Corporal punishment, parent and child, clarification of reasonable force	SB 113
Corporations	
business, charters reinstated, time extended	HB 202
changes in law to entice business to the state; what types of business to encourage; study	SB 57
information services by secretary of state, fees	HB 329
residence for civil causes	SB 150
voluntary	
charters revived, no effect on pending actions	HB 202am
purposes expanded; director's liability limited; dissolution by 2/3 vote, except churches; abandonment of stock	SB 37
recording articles of agreement by town clerk, fee	HB 746
Corrections	
county, committals in any county; expenses; reciprocal arrangements; transfers	HB 274am
department	
annulment of records application, investigation fee	HB 208
phase V prison construction, appropriation extended	HB 35
supplemental appropriation	HB 258
supplemental appropriation	HB 50
Cosmetology and barbers board, funds transferred to general services	HB 50
Cost containment unit, juvenile delinquents, repayment of legal fees . . .	HB 381am
Counseling, professional, certification	SB 69
Counties	
audits	HB 242
capital reserve fund, establishment, hearings	HB 519
correctional facilities, committals in any county; expenses; reciprocal arrangements; transfers	HB 274am
funds invested in securities, collateral	SB 83am
investments, public deposit investment pool administered by bank commissioner	SB 102am
recreation and park services, revolving fund from fees and charges	SB 134
County attorneys, salaries, uniform method of setting	HB 429
County commissioners	
annual reports, distribution changed	HB 754
Belknap, elected by voters of districts; convention proceedings printed annually	HB 154
timber tax collection in unincorporated towns and unorganized places . . .	HB 491
County conventions	
powers increased	HB 242
reports to revenue administration	SB 118
Court ordered placement of children, out of district, education department notified	HB 461

- Courts.** See also: District courts; Superior court; Supreme court
 - fee schedules set by statute. HB 592am
 - Manchester district, new facility; site planning
 - appropriation; architectural requirements HB 328
 - modernization fund extended; juror and witness fees reduced HB 65am
 - Rockingham county courthouse, new, appropriation; bonds SB 11
 - supplemental appropriations HB 50
- Credit cards**
 - identification when paying by check, recording information prohibited HB 752
 - payment of district court fines by SB 32am
 - state sponsored SB 59
- Crematories, construction and operation, administrative fines.** HB 65am
- Crimes, misdemeanors, study** HB 65am
- Criminal code**
 - assault
 - against law enforcement officer; extended term of imprisonment SB 27am
 - causing death of fetus HB 350am
 - bail jumping, penalties changed; arrest, jurisdiction. SB 45
 - child pornography, purchase, possession, or control, misdemeanor. HB 436
 - criminal mischief, discharging firearm at occupied structure, penalty HB 656
 - injuries from criminal acts, reporting requirements, exceptions HB 407
 - insurance fraud, penalties HB 637am
 - justification, physical force against child, reasonable clarified SB 113
 - misdemeanor sentencing, study. HB 635
 - records annulled
 - investigation fee. HB 208am
 - person who was imprisoned. HB 661
 - sentences
 - county facility in any county; expenses; reciprocal arrangements;
 - transfers HB 274am
 - fines for crimes doubled HB 65am
 - solicitation of prostitutes, misdemeanor. HB 452
 - transporting animals in open trucks, cage required SB 68
 - unauthorized use of firearms or firecrackers,
 - compact part of town or city defined HB 445
 - violation of conditional release, penalty. SB 23
- Criminal defendants, indigent**
 - attorneys' fees
 - supplemental appropriation. HB 50
 - transfer of funds. HB 65am
 - contracts for services other than counsel HB 707
 - repayment of counsel fees, conviction not required; juvenile delinquents,
 - repayment to cost containment unit. HB 381
- Criminal justice system, interaction with mental health**
 - system, task force to study. SB 9
- Criminal mischief, discharging firearms at occupied structure, penalty** . . .HB 656
- Criminal procedure**
 - trials, misdemeanors, 6 member jury. CACR 11am
 - victims' bill of rights. HB 756
- Criminal records**
 - annulment
 - fee for investigations. HB 208am
 - person who was imprisoned. HB 661
 - misdemeanors and violations included; availability, fee HB 363
- Crouter, Bob, heart transplant recipient, remarks on naming anatomical**
 - gifts act for (SB 106) 214-216
- Cruelty to animals, transporting in open trucks, cage required.** SB 68
- Cull, Andrew, 1991 William Randolph Hearst Foundation U.S. Senate**
 - Youth Program representative, res honoring 1130-1131
- Current use board, advisory deleted; membership increased;**
 - administratively attached to revenue administration HB 136

Currier , Sen. David P., dedication of the Leif Clement Hockey rink at New England College	1142
Curtesy , notice of claim recorded in registry of deeds by Dec. 31, 1991	HB 450
Custody , children, award to stepparent or grandparent; stepparents' visitation rights	HB 567am

D

Damages

bidders on construction contracts violating workers' compensation laws	HB 607
compensatory, human rights commission, study	HB 244am
injury to livestock by dogs, reimbursement by towns only if owner of dog or insurance does not pay	SB 115am
wrongful death, elements to be considered; limitation increased	SB 81

Dams

class AA, registration fee eliminated	
dam maintenance fund, appropriation	SB 117
date fees payable changed	HB 107am
land conservation investment program, approval of certain acquisitions; maintenance fund continuously appropriated	HB 515am
maintenance fund, bond authorization increased	HB 35am

Data base management advisory committee	SB 182am
--	----------

Data processing, and computer management, information services

division abolished; information technology management office established.	SB 182am
---	----------

Deaths , burial permits granted by public health services.	HB 65am
--	---------

Debt limit increased, repaid in one year	HB 669
---	--------

Debt management, ceiling exceeded only by 3/5 vote; debt

service fiscal impact note	HB 622am
----------------------------------	----------

Deeds, sewage disposal systems plan approvals recorded with

register of deeds	HB 745am
-------------------------	----------

Deer

hunting season set by fish and game executive director; annual report on condition of herd	HB 364
methods of taking in Dover limited.	HB 141
Rollinsford, and Somersworth limited	HB 121am

Defense and indemnification

chief medical examiner	HB 65am
new position.	SB 192am
legislators, official duty defined	HB 653

Definitions

abused child; neglected child	SB 199
active military service	HB 116
agent in securities law	HB 187
athletic trainers	SB 62
billboards; common carrier; happy hour	HB 390
bulk power supply facilities	SB 108
certified professional counselor	SB 69
charitable for property tax exemption	HB 305
child for residential care and child placing agency purposes	SB 220am
commercial fisherman, marine species	HB 289
compact part of town or city	HB 445
compost	HB 753
conditional release	SB 23
developmentally delayed child	HB 433
drink rail	HB 125
earnable compensation	HB 62
emancipated minor	SB 34
graduate practical nurse; graduate nurse	HB 597
habitual offender	SB 216

Definitions (cont.)

highway planning corridor; corridor protection restriction	HB 700
impact fees	HB 391
investment metal contract; investment gem contract	HB 188
manure, agricultural compost, chemical fertilizer	HB 153
mayor	HB 633
miscarriage; stillbirth	HB 350am
motor vehicle waste	HB 257
official duty	HB 653
oil	HB 352
personal care attendant; severely physically disabled	HB 531
psychologist	SB 22
public utility not to include resellers of telecommunication services	SB 133
quality assurance program	HB 203
responsible bidder	SB 138
sailboard	HB 351
ski craft	SB 63
small scale power facility	HB 669am
special waste	HB 604
steel jaw traps	SB 169
tax exemption, tax credit	HB 120
unreasonable interpretation	HB 559
wine-domestic	SB 123

Delahunty , Sen. Joseph L., remarks on presenting legislative license plates to Sen. St. Jean	263
---	-----

Dental board

administrative fines; fees set by rule; disciplinary actions; procedures for hearings	SB 16
supplemental appropriation	HB 25

Derry, lease purchase agreement with administrative services

for new district courthouse	HB 193am
-----------------------------------	----------

Desert Storm

President Bush commended for leadership	SR 5
state employees on active duty, health and dental benefits continued for 6 months	HB 490
supporting US troops	HCR 4
veterans bonus, study	SB 10

Developmentally delayed child , special education	HB 433
--	--------

Developments

impact fees	HB 391
regional impact, affected towns to be heard	HB 248
restrictions along proposed planning corridors	HB 700
shoreland protection act	HB 443

Dickey, John Sloan, former President of Dartmouth College, remarks

and res on death	858-860
------------------------	---------

Dietitians , licensing, study	SB 20am
--	---------

Dillant-Hopkins airport , capital improvements appropriation extended	SB 117
--	--------

Disabled

access to Flat Mountain Pond, urging US Forest service to provide	HJR 4
architectural barrier free design code, new public buildings	HB 35
elections, sample ballots posted so as to be convenient for voters in wheelchairs	HB 754
permanently and totally, aid electronic benefits disbursement system	SB 128
supplemental appropriation	HB 50
severely emotionally disturbed children, services purchased from nonprofit organizations by state exempt from competitive bidding ..	HB 431am
severely physically, vocational rehabilitation division approval of personal care attendants and exclusive approval of independent living programs removed	HB 531

Disaster contingency , supplemental appropriation	HB 50
--	-------

Discovery , product liability actions, disclosure of information	SB 91
Discrimination	
employment, based on smoking outside the workplace prohibited	SB 171am
retirement communities, age requirement changed	HB 241
.	SB 76
sports, gender equity, study	SB 85
Disease prevention and control, funds transferred to general services	HB 50
Disnard, Sen. George F.	
concern about members placed at risk	19
remarks on Governor's budget message	179-180
District courts	
Auburn, sessions in Northwood deleted	HB 193am
civil jurisdiction, damages claimed less than \$1,500	HB 715
Concord, capital improvements appropriation	HB 35
fee schedule set by statute	HB 592am
fines, payment by credit card	SB 32am
jurisdiction over local land use citations and pleas by mail	HB 595
lease purchase agreement, Derry and Milford, with administrative services for new buildings; facilities, study; consolidation of Hanover and Lebanon courts, study	HB 193am
Manchester, new facility; site planning appropriation	HB 328
supplemental appropriation	HB 50
Divorce	
arbitration of contested issues	HB 530
child's social security benefit payments or income of current spouse not considered when determining alimony to former spouse	HB 455
exceptions	HB 118am
custody of children, award; stepparents' visitation rights	HB 567am
spousal support subject to wage assignment	HB 138
support orders, modification, substantial change or 3 years after last order	HB 406am
transfer of title between spouses exempt from real estate transfer tax	HB 322
.	SB 119
Dogs	
damage to livestock, reimbursement by towns only if owner of dog or insurance does not pay	SB 115am
hunting, training and use by nonresidents, reciprocity required; use of telemetry equipment restricted	HB 325am
Domestic relations , arbitration of contested issues	HB 530
Doorkeeper , Emile Martineau elected	11
Dover	
deer taking, methods limited	HB 121am
.	HB 141
industrial parks, bonding authority increased	SB 224
toll plaza, moving not included in Spaulding turnpike environmental impact and preliminary design study	SB 223
water rights from Bellamy River	SB 187
Dower and curtesy , notice of claim recorded in registry of deeds by Dec. 31, 1991	HB 450
Dredging . See: Excavating	
Drink rail defined	HB 125am
Drinking water	
groundwater protection act	SB 126
public, supplies protected by low salt highway districts	SB 86
Drugs	
abuse prevention, drug free school zones, signs posted, penalties; public housing authorities, drug free zones, ordinances	HB 416am
driving under influence. See: Motor vehicles, DWI	

Drugs (cont.)

- forfeitures, property with access to public waters, disposition
 - determined by and portion of proceeds to fish and game
 - department SB 130
- prescription, non-controlled
 - dispensing by nonprofit family planning agencies SB 174
 - possession for emergency use by emergency medical services
 - personnel SB 42am
- purity, administrative fines HB 65am
- Dunfey, William L., res on death** 100-101
- Dupont, Sen. Edward. See: President**
- Durable power of attorney for health care** SB 66

E

Eastern NH turnpike

- Dover to Newington, environmental impact and preliminary design
 - study not to include moving Dover toll plaza SB 223
- exit 10, study, appropriation increased; conditions of funding SB 3
- expansion to 4 lanes from route 125 to route 11; appropriation HB 324

Economic development

- advisory committee SB 111
- commission, NH, studies, reports; long term strategic plan HB 648am
- districts, municipal, establishment, limitations HB 322am
- division, international trade promotion SB 28
- enterprise zones with business incentives SB 217
- fund; review committee; appropriation; bonds HB 50am
- supplemental appropriation HB 50

Education

- choice of program. See also: Education, voucher program
- certain school districts SB 131
- commissioner
 - contract for school improvement program; exemption from
 - competitive bidding HB 65am
 - rulemaking authority relative to blind services HB 463am
- foundation aid
 - 1991, appropriation to equal sweepstakes revenue shortfall if
 - necessary SB 175
- formula effectiveness, study; maximum equalization factor
 - established HB 341am
- minimum level set SB 147
- sweepstakes revenue, distribution method changed SB 212
- higher
 - loan program, obsolete laws repealed HB 361
 - scholarship program for children of safety personnel killed
 - in line of duty SB 218
 - tuition waived for municipal police officers at state colleges SB 227
 - tuition waived for state police at state colleges SB 204
- literacy instruction, minimum level of competence,
 - effective date changed HB 65am
- postsecondary technical education, transfer of
 - funds regardless of source; exception SB 13am
- public
 - funding and modernization, remarks 1352-1355
 - operation and financing, constitutionality, study SB 99
 - school pupils, freedom of speech and the press SB 110
 - school building aid, supplemental appropriation SB 12
- special
 - court ordered placement out of district, education department
 - notified HB 461
 - developmentally delayed child, definition HB 433
 - hearing officer, authority HB 462
 - rate setting methods, study SB 140am
 - supplemental appropriation SB 36
 - HB 50

Education (cont.)

vocational

- regional centers, equipment and instruction program, revolving fund SB 146
- tuition/transportation appropriation lapsed to general fund HB 50
- voucher program SB 103

Eggs, sales, hearings; uniform penalties HB 356

Elderly

and adult services

- Alzheimer's disease, respite care, appropriate fees, limitation
 - repealed HB 221
- meals on wheels and senior transportation, appropriation SB 173
- congregate housing, task force to develop strategy
 - for accessing federal funds HB 629
- Glenciff home for, capital improvements appropriation HB 35
- motor vehicle liability insurance, discount for
 - completion of driver education course SB 221
- ombudsman notified of involuntary transfer of patient HB 451am
- retirement communities, age requirement changed HB 241
 - SB 76

Elections

- absentee ballots, absence on election day; time for accepting HB 621
- ballot law commission, alternate members; hearing date HB 544am
- ballots
 - each a different color HB 532
 - listing of state representatives HB 743
 - placed directly in ballot box by voter HB 122
 - sample posted so as to be convenient for voters in wheelchairs HB 754
- campaign expenditures, voluntary limitations; administrative assessments;
 - prohibited contributions; reports required SB 195
- candidates
 - declarations, petitions, and affidavits, forms HB 147am
 - signs, removal by town after election, \$5 fee HB 624
- certificates for state representative issued by secretary of state HB 754
- checklists
 - address of voter not required under certain circumstances HB 548
 - supervisors, determining qualifications of applicants, reference
 - removed HB 398am
- cooperative school district, voters on town or city checklist
 - eligible; separate checklist not required HB 166am
- hours of polling in cities determined by city
 - council 30 days before election HB 754
- optional town officers, auditor SB 118
- political signs along highways, restrictions SB 46
- primaries, independent may change back to independent after voting SB 88
- recounts, appeals to ballot law commission HB 525
- voter registration by tax collector or treasurer SB 184am
- zoning boards of adjustment, alternate members also elected SB 49

Electric power, James Bay II project, opposition to and

withdrawal from contracts SR 7

Electric utilities

- municipal corporation not considered public utility HB 484
- nuclear plant monitoring, early warning system, study SB 132am
- nuclear station property tax HB 64am
- plant siting, bulk power supply facilities redefined, 20 megawatts
 - included SB 108
- siting and construction, incorporated into energy facility siting
 - statute HB 736
- underground damage prevention system; penalties SB 139am

Electricians board, funds transferred to general services HB 50

Electronic benefits disbursement system, public assistance SB 128

Elevators, inspection certificate, fee increased HB 65am

Emancipated minor, definition SB 34

Emergency

- 911 statewide telephone system, study HB 106
- management assistance, supplemental appropriation HB 50
- medical services
 - funds transferred to general services HB 50
 - licensing, administrative fines HB 65am
 - separate licensure categories; possession of certain non-controlled
 - prescription drugs SB 42am
- response, unnecessary, reckless or intentional
 - acts creating situations, liability.....HB 131
- shelter program
 - homeless, bonds HB 50am
 - supportive preventive services included HB 478

Eminent domain, condemnation, municipality considered

- condemnee for unpaid taxes HB 513am

Employment

- discrimination based on smoking outside the workplace prohibited SB 171am
- security
 - funds transferred to other agencies HB 50
 - notice by town clerk of licenses issued to employment offices
 - repealed.....HB 757am

Energy

- conservation code, new public buildings HB 35
- electric, James Bay II project, opposition to
 - and withdrawal from contracts SR 7
- electric utilities
 - municipal corporation not considered public utility.....HB 484
 - plant siting, bulk power supply facilities redefined, 20 megawatts
 - included SB 108
 - siting and construction incorporated into energy facility siting
 - statute.....HB 736
- nuclear power plant monitoring, early warning system, study SB 132am
- nuclear station property tax HB 64am
- small scale power facility redefined; purposes expanded HB 669am

Enfield, unnamed brook, waters reclassified HB 560

Enterprise zones, business incentives to promote economic

- revitalization SB 217

Environmental laws, enforcement by local officials HB 751

Environmental permits, expedited process, study SB 79

Environmental Protection Agency, concerns regarding plan

- for development of Pease Air Force base 860-861, 899

Environmental services

- administrative fines
 - groundwater protection act SB 126
 - marine pollution HB 496
- appropriation reduction HB 25
- capital improvements appropriation; 1989 appropriation extended HB 35am
- chief operations officer added HB 65am
- commissioner, report on solid waste reduction and recycling HB 276
- funds transferred to general services HB 50
- hazardous waste facility, operator permit fees revised; purpose
 - and use of cleanup fund.....HB 262am
- hydrologic study and field surveys of Lake Massasecum and
 - Warner River SB 65
- lakes monitoring program, report; water pollution state aid grants,
 - appropriation; bonds HB 25
- oil discharge cleanup projects, competitive bidding HB 352am
- plastic holding devices, rulemaking authority HB 611
- registered water users, modification of use HB 104am
- revolving fund, training for persons subject to regulation.....HB 210am
- shoreland protection HB 443
- water classification standards changed.....HB 560
- water resources division, report on reorganization SB 114

Ethics, legislative committee	SB 29
mileage	SB 15am
EUA power, bankruptcy, remarks by Sen. Hollingworth	317-318
Excavating	
operational and reclamation minimum and express standards; more stringent standards; distance from water	HB 742am
terrain alteration, law enforcement by local officials, notification of attorney general and environmental services commissioner	HB 751am
transportation department, service in lieu of portion of application fee	SB 117
wetlands	
administrative fee to towns increased, proof of notice to abutters	HB 270
.....	HB 746
board, notice time from local conservation commissions extended	HB 459
maximum permit fee for transportation department	SB 165am
Executive branch, rules may be disapproved by general court	CACR 12
Executive departments and administration committee, house, sunset review of new agencies	SB 48
Executors and trustees, bonds, probate judge's discretion	HB 269
Eyeglasses, ophthalmic dispensing board, levels of qualification	SB 176

F

Fair credit billing, definitions; correction of billing errors; examinations by bank commissioner; penalties	HB 139
Family	
care facilities, board and care rate increased; appropriation	SB 172
planning agencies, nonprofit, dispensing non-controlled prescription drugs	SB 174
program, funds transferred to general services	HB 50
Farms	
lands, application of lime and wood ash, exception from river set back requirement	HB 402am
plates, tractors; towing implements included	HB 373
products, uniform penalties	HB 356
Fast day changed to Civil Rights day	HB 127
.....	SB 229am
FDIC chairman L. William Seidman recognized for his responsiveness to banking needs of the state	SR 4
Federal employees, former, service purchased and credited to NH retirement system; not creditable for eligibility for health benefits	HB 161am
Federal Energy Regulatory Commission, urged to deny PSNH request for rate increase	SCR 2
Federal Home Loan Bank Board, name changed to Office of Thrift Supervision	SB 52
Federal mandates, unfunded, requesting Congress propose an amendment prohibiting	HCR 10
Fertilizers	
chemical, best management practices, authority of agriculture department	HB 153
lime and wood ash, exception from river set back requirements	HB 674am
sales, uniform penalties	HB 356
Fetus, causing death of, assault	HB 350am
Fiduciaries, failure to file inventory or account, notices by register of probate, times changed; who notified	SB 209
Fines	
administrative agriculture commissioner, milk, minimum pricing	HB 442am
agriculture commissioner, sales of farm products	HB 356

Fines (cont.)

dental board	SB 16
groundwater protection act	SB 126
human rights commission, study	HB 244
marine pollution, set by environmental services	HB 496
plastic holding devices	HB 611
podiatry board; medicine, board of registration	SB 42am
public health services	HB 65am
securities violations	HB 183
and fees, programs for collection, study	HB 610am
and penalties, civil, securities violations	HB 184
district courts, payment by credit card	SB 32am
for crimes, doubled	HB 65am

Fire laws, recodification, study.	HB 173
--	--------

Fire marshal

BOCA Basic Building Code and Life Safety Code, most recent edition adopted as rules.	HB 282
fire officers, and fire chiefs, administrative inspection warrants	HB 385
inspection of health care facilities for compliance with life safety code.	SB 197

Fire safety

bureau, funds transferred to general services.	HB 50
standards, community living facilities with up to 3 clients	HB 672

Fire standards and training commission, new facility, architectural and engineering studies; bonds	HB 50am
--	---------

Fire training academy

construction appropriation.	SB 41
supporting construction in Concord	HCR 3

Firearms

discharging at occupied structure, penalty	HB 656
negligent discharge, penalty increased.	HB 703
pistols and revolvers, licenses to carry photograph attached; penalty for not carrying license	SB 26
terms changed; fees increased.	HB 583am
unauthorized use, compact part of town or city defined	HB 445

Firecrackers, unauthorized use, compact part of town or city defined	HB 445
---	--------

Firefighters, special number plates	SB 112
--	--------

Fireworks, sale and display regulated; penalties; study.	HB 720
---	--------

Fiscal committee

approval required for closing profitable liquor stores	HB 143am
plan for utilization of medicaid enhancement tax administrative fee for preventive and protective services for children	SR 12

Fiscal notes, required on bills and resolutions, exceptions.	HB 685am
---	----------

Fish and game

bear hunting, baiting prohibited	HB 456
coyotes, furbearers, or game animals, pre-season baiting prohibited.	HB 245am
deer: See: Deer department capital improvements appropriation	HB 35
claims against available federal funds submitted to comptroller.	HB 25
dogs, hunting, training and use by nonresidents, reciprocity required; use of telemetry equipment restricted.	HB 325am
executive director, determination of disposition of property with access to public waters forfeited for drug offenses	SB 130
expenditure over budget estimates, transfer from fish and game fund ...	HB 65am
firearms, negligent discharge, penalty increased	HB 703
fisheries, commercial and recreational, zoning powers not to discourage	HB 559
fishing, special permit, patients at certain head injury treatment programs	HB 617
fund, estimate of unrestricted revenue	HB 25
Garland Pond dam, Ossipee, acceptance	HB 515am

Fish and game (cont.)

headquarters and computer system capital improvements appropriations extended.....	SB 117
hunters building tree stands, observation blinds, or pit stands, landowner's permission required.....	HB 710
hunting, Somersworth, high-powered rifle prohibited.....	HB 347
licenses	
hunter education requirements.....	HB 290
lifetime combination, free bear license; references to special license removed.....	HB 212
marine species managed under Atlantic States Marine Fisheries Compact exempt from rulemaking requirements; definitions changed; shore fisheries advisory committee study of coastal fisheries research station removed.....	HB 289am
moose hunting season length and total take set by executive director; report on measures to reduce collisions between moose and motor vehicles.....	HB 41am
northeast conservation law enforcement compact.....	HB 362
pheasants, certain hunting limitations removed.....	HB 175
smelt, taken only by angling; baitfish, minnows season repealed.....	HB 205am
trapping, steel leg traps prohibited.....	SB 169

Flags, NH, historic, study committee increased, reporting date extended.....	HB 684
---	---------------

Flat Mountain Pond, Waterville Valley, access for public, including disabled, urging US Forest Service to provide.....	HJR 4
---	--------------

Flower, state, pink lady's slipper official wildflower.....	SB 40
--	--------------

Food, sanitation, purity, and food service establishments, administrative fines.....	HB 65am
---	----------------

Foreclosure sales, lienholders, notification; failure to record within 60 days of sale.....	SB 150
--	---------------

Foreign trade promotion, advisory committees, fund.....	SB 28
--	--------------

Foresters board, rules adopted by Jan. 1, 1992.....	HB 709am
--	-----------------

Forests

clearcutting regulated, study; notice of intent to cut, dates effective.....	HB 709am
notice of intent to cut, dates effective.....	HB 65am
public, loss of taxes, computation by revenue administration.....	HB 65am
rangers, law enforcement authority.....	HB 608
timber cutting, bonds required in certain cases.....	HB 519

Forfeitures, drug offenses, property with access to public waters, disposition determined by and portion of proceeds to fish and game department.....	SB 130
--	---------------

Foster care

child over 18 enrolled in high school.....	SB 220
speedy payments by children and youth services division.....	SB 61

Foundation aid

1991, appropriation to equal sweepstakes revenue shortfall if necessary.....	SB 175
formula effectiveness study; maximum equalization factor established.....	HB 341am
funded by state sponsored credit card program.....	SB 59
minimum level set.....	SB 147
sweepstakes revenue, distribution method changed.....	SB 212

Franchise tax, public utilities, redefined; electric energy removed.....	HB 64am
---	----------------

Franconia state park, supplemental appropriation.....	HB 50
--	--------------

Franconia/Sunapee snowmaking and grooming fund repealed.....	HB 53
---	--------------

Freedom of speech and the press, public school pupils.....	SB 110
---	---------------

Funeral directors and embalmers, crematories, construction and operation, administrative fines.....	HB 65am
--	----------------

G

Gambling

bingo

- charitable organizations, number of winner take all games per date
 - increased; Monte Carlo and Las Vegas nights, study SB 181am
- prize value and number of games increased.....SB 157am
- prize value and number of games increased; effective date changed HB 65am
- raffles at same time and place; games of chance, licenses, consecutive
 - days not required SB 189am
- games of chance, licenses, days need not be consecutive SB 58

Garland Pond dam, Ossipee, acceptance by fish and game HB 515am

Gasoline, tax increased HB 660

Geiman, Jeanne, nominated assistant clerk. 9

General court. See also: House of representatives; Senate

- 2% appropriations reduction HB 50am
- bills. See: Bills and resolutions
- disapproval of state agency rules CACR 12
- ethics committee SB 29
- mileage.....SB 15am
- joint legislative account, certain inactive account balances
 - transferred to SB 178
- legislative oversight committee on children.....HB 331
- lobbyists, income disclosure; maintenance of records; penalties SB 194
- members
 - defense and indemnification, official duty defined.....HB 653
 - mileage reimbursements as income, requesting delay in implementing
 - IRS advisory opinion.....HCR 13
 - participation in state employees group insurance plan HB 52am
 - vacancy due to military service.....HB 116am
- sunset review of agencies and programs SB 56
- SB 120

General fund, estimate of unrestricted revenue HB 25

Glenciff home for the elderly, capital improvements appropriation HB 35

Glendale boathouse repair, bonds HB 50am

Golf course land defined under open space law HB 136am

Gosling Road, Newmarket, additional improvements, bonds,
appropriation HB 427

Governmental units, liability limited, streets and sidewalks;
weather hazards SB 151

Governor

and council

- approval required for closing profitable liquor stores HB 143am
- authority to secure federal funds for capital improvements;
 - transfers HB 35
- commission on the 21st century, urging UNH cooperative extension
 - service to work with.....HJR 3
- Gregg, Judd, addresses and messages
 - remarks at opening of session 1
 - budget message, remarks by Sen. Disnard and Sen. Humphrey 179-181
- vetoed
 - cigarette tax decreased.....HB 649am
 - meals on wheels, appropriation SB 173
 - rate setting methods for children and youth services and education
 - department, study SB 140am

Governors state park advisory committee HB 578

Graphic services, photocopy operations, funds transferred
to general services HB 50

Great Brook, Lebanon, waters reclassified HB 560

Great ponds. See: Lakes

Greenville, liquor store reopened SB 39

Gregg, Judd. See: Governor

Grocery stores, administrative fines HB 65am

Groundwater protection act SB 126

Guaranty savings banks, conversions. HB 313

Guardians

and conservators, mentally incompetent, abortions, notification

required SB 34

temporary, appointment, hearing within 10 days HB 482am

H

Habitual offender, two convictions for DWI or aggravated DWI SB 216

Hagen and Spegiali, Inc., charter reinstated HB 673am

Halfway house, capital improvements appropriation HB 35

Hampton Beach

parking meters, balance of funds lapsed to state park fund. HB 53am

seawall improvements, 1989 appropriation extended HB 35

Hampton harbor, dredging

1988 appropriation extended HB 35

capital improvements appropriation extended SB 117

Hancock, Parker L., state prison building completed in 1990 named for HB 368

Handicapped. See: Disabled

Hanover and Lebanon district courts, consolidation, study HB 193am

Harkin, U.S. Senator Tom, Presidential candidate, remarks 1657-1659

Hawkers and peddlers, sales on state property prohibited;

exceptions to statute. HB 754

Hazardous substances, labeling, administrative fines HB 65am

Hazardous waste

cleanup fund, interest credited to general fund until July 1, 1991 HB 50

facilities, operator permit fees revised; purpose and use of cleanup

fund HB 262am

funds transferred to general services HB 50

household, study SB 186am

superfund match, capital improvements appropriation HB 35am

transporter vehicle fees increased HB 310

Head injury treatment programs, patients, special fishing permits HB 617

Health

and dental benefits, state employees on active duty in

Operation Desert Storm, continued for 6 months HB 490

and human services

capital improvements appropriation; 1989 appropriation extended HB 35

child care resource and referral services, appropriation HB 502am

commissioner, advisory committee on access to health care HB 319

commissioner, funds transferred to general services HB 50

commissioner, urged to present a plan for utilization of medicaid

enhancement tax administrative fee for preventive and protective

services for children SR 12

medicaid enhancement fund, expenditure; duties of commissioner;

rulemaking HB 1

nutritional counseling and dietetics board administratively attached. SB 20

photocopying fees continually appropriated HB 65am

care

access, advisory committee HB 319

durable power of attorney SB 66

facilities, certificate of need procedures changed HB 613

facilities, life safety code compliance, inspections by fire

marshal SB 197

facilities, public documents posted SB 159

national program, urging Congress to enact HCR 9

private utilization and management review plans, study SB 43

Health (cont.)

- catastrophic illness funds, use, study SB 74am
- data advisory committee appointed by governor; membership.....HB 460am
- facilities
 - administrative fee increased HB 65am
 - licensing, administrative fines HB 65am
 - licensing, facilities clarified; licensure levels for residential
 - care facilities; inspections and warnings for noncompliance;
 - patients' bill of rights, study HB 451am
 - licensing, funds transferred to general services.....HB 50
- maintenance organizations
 - coverage for chiropractic treatment SB 30
 - group and non-group insurance policies, notification of
 - cancellation HB 333am
 - infertility coverage.....SB 190
- nuisances, abatement costs, collected in the manner of property taxes HB 667
- officers, administrative inspection warrants HB 385
- service corporations, nonprofit
 - coverage for chiropractic treatment SB 30
 - coverage for infertility.....SB 190
- directors, officers, and trustees, indemnification or limitation of
 - liability through contract or bylaws SB 82
- group and non-group insurance policies, notification of
 - cancellation HB 333am
- Hearing aids, dealers, administrative fines.....HB 65am**
- Heart disease, presumed occupationally related in police.....SB 77**
- Heritage collections committee, membership, duties HB 275**
- Higher education fund, excess receipts may be spent.....HB 25**
- Higher educational and health facilities authority**
 - abolished; duties transferred to housing finance authority SB 8
 - definitions amended; certain secondary institutions included.....SB 225
- Highway fund**
 - estimate of unrestricted revenue.....HB 25
 - transfers to other agencies HB 50
- Highways**
 - and bridges, betterment program HB 660am
 - borrowing power; turnpike system revenue bonds SB 3
 - bridges, 10 year construction plan, Bridge Street bridge, Concord,
 - added; Washington Street bridge removed.....HB 553
 - Central and Eastern NH turnpikes, various projects, appropriations
 - time changed for certain projects; widening portion of central NH
 - turnpike and Conway bypass toll repealed HB 324
 - Central NH turnpike, sequencing of projects, and Nashua traffic
 - conditions, study SB 167
 - class IV and V
 - cities, regulation of use; conformance to *Manual on Uniform
 Traffic Control Devices* HB 339
 - insufficiency, notice; governmental liability limited;
 - weather hazards SB 151
 - reclassified to VI, requirements.....HB 168
 - class IV, V, or VI
 - abutters notified before vote to discontinue HB 676
 - towns may set weight limits; disturbance of highways described.....HB 666
 - classification, Upper Jaffrey Road HB 168am
 - construction, long-range program HB 784
 - designation by safety commissioner where semi-trailers may be
 - operated HB 706am
 - Eastern NH turnpike
 - Dover to Newington, environmental impact and preliminary design
 - study not to include moving Dover toll plaza.....SB 223
 - exit 10, study, appropriation increased; conditions of funding SB 3
 - Gosling Road, Newmarket, additional improvements, bonds,
 - appropriation HB 427
 - Laconia - I-93 connector, task force to study SB 60am
 - low salt districts to protect public drinking water supplies SB 86

Highways (cont.)

names given and numbers assigned by governing body of town.	HB 259
outdoor advertising. See: Outdoor advertising	
planning corridors for future highway expansion	HB 700
political signs alongside, restrictions	SB 46
riding or driving animals, safety provisions	HB 158am
route 2 in Jefferson, truck lane construction, appropriation; bonds	SB 14
route I-393 to eastern NH turnpike, study extended.	SB 55am
Salmon Falls Road in Rochester and Somersworth, meeting on reclassification	SB 90
Sandwich, portions of certain highways changed from class II to class V	HB 132
scenic byways planning program	HB 705
scenic roads, removal of trees declared a nuisance	HB 372am
toll rates, inequities, study	SB 168am
transportation in the 21st century, task force	HB 683
US 202, Peterborough to MA, named General Isaac Davis White highway. .	HB 253

Hill, honoring village on 50th anniversary and supporting nomination to the <i>National Historic Register</i>.	HCR 5
---	-------

Hillsborough county, superior court

capital improvements appropriation	HB 35am
Nashua, furnishings and security system, appropriation; bonds.	SB 64
.....	SB 117
two clerks authorized	SB 70

Historical objects, heritage collections committee.	HB 275
--	--------

Holidays, Civil Rights day to replace Fast day	HB 127
.....	SB 229am

Hollingworth, Sen. Beverly A., remarks on bankruptcy of EUA Power Co. .	317-318
--	---------

Hollis-Brookline cooperative school district, converting from

area plan, reimbursement appropriation	SB 149
--	--------

Home health care providers, liens, town clerk's recording

fee increased	HB 746
---------------------	--------

Homeless, emergency shelter program

bonds.	HB 50am
supportive preventive services included.	HB 478

Honey, sales, hearings, uniform penalties.	HB 356
---	--------

Horses, riding or driving on roadways, safety provisions.	HB 158
--	--------

Hospital, NH

administration, source of funds changed; line item decreased.	HB 50am
capital improvements appropriation	HB 35
funds transferred to other agencies	HB 50
mental health foundation to support	HB 255
state offices utilizing vacant space, study.	HB 219

Hospital service corporations, mental conditions, psychologist

defined for insurance reimbursement requirements	SB 22
--	-------

Hospitals

acute care	
and specialty, administrative fee increased	HB 65am
exceptions to patients' bill of rights	HB 451am
certificate of need, procedures changed	HB 613
involuntary transfer of patient, notification of ombudsman or appropriate office; patients' bill of rights, study.	HB 451am
licensing	
administrative fines.	HB 65am
funds transferred to general services	HB 50
liens, town clerk's recording fee increased	HB 746
life safety code compliance, inspections by fire marshal.	SB 197
medicaid	
enhancement tax	HB 1
enhancement tax, urging Congress to place a moratorium on changes in medicaid regulations to insure funding for 1992 and 1993	HJR 5
supplemental tax on patient discharges	HB 75

- Hospitals (cont.)**
 public documents posted SB 159
- Hotels, cocktail lounges, alcoholic beverage licenses, requirements** HB 65am
- Hough, Sen. Ralph**
 nominated for temporary presiding officer 2
 remarks 2-3
 elected temporary presiding officer (3 RC's)..... 3-4
- House of representatives, executive departments and administration**
 committee, sunset review of new agencies SB 48
- Household hazardous waste, study** SB 186am
- Housing**
 authorities, public, drug free zones established by ordinance HB 416am
 congregate, task force to develop strategy for accessing federal funds. HB 629
 Development Corporation of Claremont, statement of financial condition
 filed with municipality HB 652
 finance authority
 50% of accumulated surplus of IDA may be allocated to affordable
 housing fund. HB 648
 duties of higher educational and health facilities authority
 transferred to SB 8
 private activity bonds, allocation formula HB 669am
 low income, affordable housing fund, interest from real estate brokers
 interest bearing trust accounts SB 179
 projects, nonprofit
 statement of financial condition filed with municipality HB 652
 tax exemption for charitable HB 305am
 standards, municipal, administrative inspection warrants HB 385
 subsidized multi-family projects, sale, notice,
 town's right of first refusal SB 164
- Human rights commission**
 administrative fines, compensatory damages, study. HB 244am
 employment discrimination based on smoking prohibited SB 171
 retirement communities, age requirement changed. HB 241
 SB 76
- Human services**
 child support payments made to HB 392
 director, transfer of AFDC funds to emergency assistance, conditions. HB 65am
 division, enhanced family care facilities, board and care rate increased;
 appropriation SB 172
 electronic benefits disbursement system SB 128
 reimbursement rates set for medical assistance, exempt from
 publication under administrative procedures act. HB 213
 supplemental appropriation HB 50
- Humphrey, Sen. Gordon J., remarks on Governor's budget message** 180-181
- Hunting. See: Fish and game, hunting; Deer**
- Hydro-Quebec, James Bay II project, opposition to and**
 withdrawal from contracts SR 7
- I**
- Impact fees imposed on development** HB 391
- Implied consent**
 drugs, physical tests; person charged required to file notice
 for attendance of person who conducted tests SB 210
 refusal
 commercial driver's license, penalties increased. HB 727am
 license revocation period increased. SB 51
- Income tax, interest and dividends, exemption for certain mutual funds** SB 38
- Incompatible offices, state office and military service, exception for**
 temporary duty in military reserve and national guard CACR 7
- Indigent defendants**
 attorneys' fees
 supplemental appropriation. HB 50
 transfer of funds. HB 65am

Indigent defendants (cont.)	
contracts for services other than counsel	HB 707
criminal cases, repayment of counsel fees, conviction not required; juvenile delinquents, repayment to cost containment unit	HB 381
Industrial development authority	
allocation of accumulated surplus	HB 648am
fund balance lapsed to general fund	HB 50
private activity bonds, allocation formula; small scale power facilities, purposes expanded	HB 669am
restructuring, study	SB 101
sunset review	SB 80
Industrial heritage commission, fund and park.	HB 409
Industrial technology research and innovation center, UNH	SB 7
Infectious disease, exposure of towing personnel, notification to medical referral consultants	SB 47
Infectious waste, rulemaking	HB 604
Infertility, insurance coverage, study	SB 190am
Information services division	
abolished	SB 182am
funds transferred to general services	HB 50
Information technology management office, duties	SB 182am
Inheritance tax	
executor or administrator, administrative duties expanded; times of payment changed; audits by revenue administration	SB 208
increased.	HB 40am
Injuries from criminal acts, reporting requirements, exceptions	HB 407
Insurance	
accident and health	
bidders on state construction contracts to provide to employees	SB 138am
coverage for chiropractic treatment	SB 30
group and non-group policies, notification of cancellation	HB 333
group policies, ineligibility of member, benefits continued, study	HB 767am
infertility coverage, study	SB 190am
mental conditions, psychologist defined for reimbursement requirements.	SB 22
multiple-employer welfare arrangements regulated by insurance department.	HB 571
uninsurables, study.	HB 539
claim settlements, unfair practices	HB 414
claims adjusters, violations, penalties.	HB 413
companies	
defrauding, penalty	HB 637
domestic, other than life, types of investments; loans to transferred employees; lawful distributions; prohibited acts; Secondary Mortgage Market Enhancement Act provisions not applicable ..	HB 576am
liquidation and rehabilitation, court jurisdiction; delinquency proceedings; reports by liquidators; time for continuation of policy.	HB 575
motor vehicle records, fees	SB 41am
premium tax, credits under business profits tax, application.	HB 64am
reinsurance intermediaries, licenses	HB 692
credit for reinsurance; redomestication	HB 638
errors and omissions, for real estate brokers	SB 31
holding companies, mergers and acquisitions, procedures and standards; civil penalties.	HB 589
liability. See: Motor vehicles, liability insurance	
managing general agents, licensing.	HB 574
unauthorized, liability for development, marketing, or administration	HB 573
Interest and dividends tax. See: Income tax	
Interest, real estate brokers interest bearing trust accounts, interest to affordable housing fund	SB 179

Internal Revenue Code defined for business profits tax purposes	SB 119
.....	HB 322
Internal Revenue Service , advisory opinion, general court mileage reimbursements as income, requesting delay in implementation ...	HCR 13
International trade promotion, advisory committees, fund.....	SB 28
Investment advisor , agent defined under securities law	HB 187
Investment metal contract , investment gem contract, redefined under securities law	HB 188
Investment trusts , NH	SB 228am
payment of expenses; reservation of names	HB 65am
Iraq , war against	
President Bush commended for leadership	SR 5
state employees on active duty, health and dental benefits continued for 6 months	HB 490
supporting US troops	HCR 4
veterans bonus, study.....	SB 10

J

James Bay II project, opposition to and withdrawal from contracts	SR 7
Jefferson , route 2, truck lane construction, appropriation; bonds	SB 14
Jenkins , Jennifer, work recognized by Sen. Oleson	2169
Jet skis . See: Ski craft	
Joint health council , determination of drugs prescribed by ARNP's.....	SB 158am
Judicial branch	
2% appropriation reduction.....	HB 50am
appropriation reduction.....	HB 25
supplemental appropriation	HB 50
Judicial council , indigent defendants	
attorneys' fees, transfer of funds	HB 65am
contracts for services other than counsel	HB 707
Jurors , fees reduced	HB 65am
Jury	
trials	
civil cases, amount in controversy exceeding \$1,500	HB 715
misdeemeanor and civil, 6 members	CACR 11am
Justice department	
scam telephone sales calls, registration and investigation of complaints	SB 105
securities regulation	HB 65am
victims' bill of rights.....	HB 756
Juvenile delinquents	
appeals to supreme court	SB 198
arraignments complete when plea received by court	SB 93
conditional release, supervision until age 21; penalty	SB 23
court ordered placement out of district, education department notified.....	HB 461am
parole, children and youth services division to replace juvenile parole board	SB 95
repayment of legal fees to the unit of cost containment.....	HB 381
reports filed 5 days before hearings.....	HB 396am
Juvenile services officers , training by children and youth services	HB 65am

K

Keene state college , Mason Library capital improvements appropriation to include Thorne-Sagendorf art gallery.....	HB 35am
.....	SB 117
Kim Sing Realty Co., Inc. , charter reinstated	HB 202am
King , Martin Luther, human rights day to replace Fast day.....	SB 229

King, Sen. Wayne D.	
remarks on budget, economy, and taxation	17-19
remarks on budget and bonding	1087-1088
King, Thomas, retiring Chief of police of Manchester, res honoring	429
Kingston, not required to dispose of solid waste from Plaistow	SB 226
Kona wildlife management area	
managed to protect its habitats from further development	HJR 2
ownership retained by state	HB 240am
Kuwait, war to liberate	
President Bush commended for leadership	SR 5
state employees on active duty, health and dental benefits continued	
for 6 months	HB 490
supporting US troops	HCR 4
veterans bonus, study	SB 10

L

L-Tryptophan, urging Congress to hold hearings	SCR 1
Labor	
collective bargaining	
public employees, exempt from municipal budget law 10% rule	HB 209
state employees, factfinder's report rejected	HB 65am
state employees, issues expanded	SB 75
department, reimbursement to federal government for	
cost disallowed, appropriation	HB 50am
employment discrimination based on smoking outside	
the workplace prohibited	SB 171am
employment offices, licenses, notice by town clerks to	
employment security department repealed	HB 757am
multiple-employer welfare arrangements regulated by	
insurance department	HB 571
strikes or lockouts, replacement employee violations,	
civil penalties; appeals	SB 87am
Laconia	
developmental services, buildings renovated for use as drug and alcohol	
treatment center and boot camp; appropriation; 1989 appropriation	
extended	HB 35
I-93 connector highway, task force to study	SB 60am
technical college, capital improvements appropriation	HB 35
Lady's slipper, pink, official state wildflower	SB 40
Lake Massasacum, and Warner River in Bradford, hydrologic	
study and field surveys	SB 65
Lakes	
artificial impoundments, study	HB 210
monitoring programs, report by UNH and environmental	
services department	HB 25
Lamprey regional solid waste cooperative deemed to have met planning	
requirements for a regional refuse disposal district	SB 183
Land	
appeals. See: Tax and land appeals board	
conservation investment program	
appropriation to reimburse general fund; bonds	HB 50
approval of certain dam acquisitions	HB 515am
capital improvements appropriation	HB 35
open space	
conservation restriction assessments; demonstrated public benefit	HB 492
definitions changed; contingent liens; reclassification	HB 136
use	
boards, fees, disposition	HB 633
change tax, fund; disposition; local option	HB 169am
control, impact fees imposed on development	HB 391
Landlord and tenant	
evictions	
agent may represent landlord in proceedings	HB 659

Landlord and tenant (cont.)

evictions (cont.)

- enforcement of default judgments; landlord responsible for property
of tenant 45 days after premises vacated.....HB 581am
- manufactured housing
 - on land of another; owner of housing liable for taxes.....HB 680
- parks, administration and enforcement of laws.....SB 205am
- parks, condominium conversion moratorium, study.....HB 670
- retirement communities, age requirement changed.....HB 241
- SB 76
- security deposits not subject to claims of landlord's creditors;
 - procedure in bankruptcy.....SB 107
- subsidized multi-family housing projects, sale, notice, town's right of
first refusal.....SB 164

Law enforcement

- agencies, nonresident's driving record provided by motor vehicles
 - director.....SB 25
- authority, forest rangers.....HB 608
- officers
 - assault against, extended term of imprisonment.....SB 27am
 - blue emergency lights limited to vehicles operated by; penalties.....SB 19
 - municipal, tuition waiver at state colleges.....SB 227
 - state police jurisdiction in DWI and drug cases.....SB 154
 - workers' compensation, cardiovascular disease and certain cancers
presumed occupationally related.....SB 77

Law libraries, in state, consortium, study.....HB 180am

Lawyers. See: Attorneys

Lead paint poisoning prevention, administrative fines.....HB 65am

Lebanon

- airport, capital improvements appropriation.....HB 35am
- added.....SB 117
- and Hanover district courts, consolidation, study.....HB 193am

Ledyard bridge, Hanover to Norwich, VT, environmental and

- engineering design studies; bonds.....HB 448

Legislative branch, 2% appropriations reduction.....HB 50am

Legislative budget assistant

- authority to adjust budget amounts and totals.....HB 65am
- compilation of list of new unfunded state mandated programs.....SB 35
- debt service fiscal impact note.....HB 622am
- sunset review of agencies and programs.....SB 56

Legislative ethics committee.....SB 29

- mileage.....SB 15am

Legislative oversight committee on children.....HB 331

Legislative review, industrial development authority.....SB 80

Lemon law, motor vehicle warranties, arbitration.....HB 224

Letitia Pratt Foundation, Inc., statement of financial

- condition filed with municipality.....HB 652

Liability

- acts requiring unnecessary emergency response.....HB 131
- limited
 - governmental units; streets and sidewalks, weather hazards.....SB 151
 - nonprofit health service corporations' directors, officers, or
trustees through contract or bylaws.....SB 82
- person donating equipment to postsecondary technical education
programs.....HB 256
- regional planning commissions.....HB 278

Libraries

- law, consortium in state, study.....HB 180am
- public, trustees, authority to accept and expend gifts.....HB 516

Licenses

alcoholic beverages. See: Alcoholic beverages, licenses	
athletic trainers	SB 62
carrying pistol or revolver, photograph attached; penalty for not carrying license	SB 26
employment offices, notice by town clerks to employment security department repealed	HB 757am
fireworks, sales	HB 720
games of chance, days need not be consecutive	SB 58
	SB 189am
health facilities clarified; residential care facilities, levels	HB 451am
managing general agents, insurance	HB 574
motor vehicle driver's, fee increased	SB 191am
nurses, temporary	HB 597
nutritionists and dietitians, study	SB 20am
ophthalmic dispensing, levels of qualification	SB 176
pharmacists, relicensure permitted	SB 153am
pistols and revolvers, terms changed; fees increased	HB 583am
professional counseling	SB 69
real estate appraisers	HB 691
reinsurance intermediaries	HB 692
water treatment equipment installers	SB 116

Liens

condominium unit owners' associations assessments, priority	SB 160
hospital and home health care providers, town clerk's recording fee increased	HB 746
mechanic's, duration; priority; fraudulent affidavit; construction mortgages, additional responsibilities	SB 155am
running, in lieu of taxes, local option	SB 44
taxes, redemption by person with legal interest in the land	HB 292

Lief Clement Hockey rink at New England College, dedication, remarks by

Sen. Currier	1142
--------------	------

Life safety code

inspections of health care facilities by fire marshal	SB 197
most recent edition adopted as rule	HB 282
new public buildings	HB 35

Lilacs, replacing vegetation obstructing outdoor advertising SB 127**Lime, application**

as fertilizer, exception from river set back requirement	HB 674am
to farmland, exception from river set back requirement	HB 402am

Liming materials, sales, uniform penalties HB 356**Limitation of actions, damages from violation of workers'**

compensation laws	HB 607am
-------------------	----------

Limitation of liability. See: Liability, limited**Liquor commission**

agency liquor stores, regulation; location	HB 334
and local officials, negotiations for reimbursements for emergency services provided to liquor store on interstate highway	HB 65am
capital improvements appropriation	HB 35
closed state stores reopened; proposed closures prohibited	SB 39
rulemaking and hearing procedures to follow administrative procedures act	SB 202am
state stores, profitable, closed with fiscal committee and governor and council approval	HB 143am

Liquor laws, definitions added; obsolete references changed;

age of license applicants changed to 21; employment of minors; illuminated signs, restrictions	HB 390
---	--------

Literacy, minimum level of competence, effective date changed HB 65am**Little Bog Pond dam, acquisition by land conservation**

investment program	HB 515am
--------------------	----------

- Livestock**, damaged by dogs, reimbursement by towns only if
owner of dog or insurance does not pay SB 115am
- Living will**. See also: Terminal care document
sustenance exception deleted; terminology changed from terminal care
document HB 485
- Loans**, business, collateral on personal guarantees SB 92
- Lobbyists**, income disclosure; maintenance of records; penalties SB 194
- Lockouts**, replacement employee violations, civil penalties; appeals. SB 87am
- Long Pond**, Northwood, motorboats, horsepower limited,
compliance date extended HB 286
- Lotteries**, licenses, days need not be consecutive.....SB 58
- Low income**
access to health care, advisory committee HB 319
housing, affordable housing fund, interest from real
estate brokers interest bearing trust accounts.....SB 179
- Lucky 7**, distributors and manufacturers, license fees increased.....SB 181am

M

- McAuliffe**, Christa, planetarium, programs and equipment totally
funded from gifts exempt from competitive bidding SB 214
- Maine-NH border dispute** concerning Portsmouth Naval Shipyard and inner
harbor; attorney general to consider avenues to resolve.....HJR 1am
- Manchester**
airport
access, preliminary designs and environmental impact;
task force re-established; appropriation; bonds HB 393
capital improvements appropriation extended SB 117
Amoskeag Mill complex, NH industrial heritage park.....HB 409
district court, new facility; site planning
appropriation; architectural requirements HB 328
technical college, capital improvements
appropriation; 1989 appropriation extended.....HB 35
- Manufactured housing**
on land of another; owner of housing liable for taxes HB 680
parks
administration and enforcement of laws; licensing of owners
and sales staff, study SB 205am
condominium conversion moratorium, study HB 670
owners, real estate licensing exemption repealed SB 163
tenants and owners, grievances; board to hear; jurisdiction;
administrative fee SB 205
statutory references changed SB 119
- Manure**, best management practices, authority of agriculture
department.....HB 153
- Maple products**, sales, hearings; uniform penalties HB 356
- Marine pollution**, boats, administrative fines HB 496
- Martin Luther King** human rights day to replace Fast day.....SB 229
- Martineau**, Emile, elected doorkeeper 11
- Mascoma Lake and River**, Enfield and Lebanon, waters reclassified HB 560
- Mason Library**, Keene state college, capital improvements appropriation
to include Thorne-Sagendorf art gallery HB 35am
.....SB 117
- Mass transportation** limited to cities over 150,000, local option.....HB 130
- Massage practitioners** and establishments, administrative fines.....HB 65am
- Maternal and child health bureau**, access to prenatal care;
appropriation SB 177

Meadow Lake dam, Northwood, acquisition by land conservation investment program after repairs	HB 515am
Meals and rooms tax distribution of revenue	SB 213
rate for biennium	HB 64am
.....	HB 336am
Meals on wheels and senior transportation, appropriation	SB 173
Mechanic's liens, duration; priority; fraudulent affidavit; construction mortgages, additional responsibilities	SB 155am
Medicaid enhancement tax	HB 1
administrative fee used for preventive and protective services for children	SR 12
urging Congress to place a moratorium on changes in regulations to insure funding for 1992 and 1993	HJR 5
supplemental tax on patient discharges	HB 75
Medical assistance, program, reimbursement rate set by human services and mental health and developmental services, exempt from publication under administrative procedures act	HB 213am
Medical examiner, chief, indemnification	HB 65am
new position	SB 192am
Medical grants, supplemental appropriation	HB 50
Medical referral consultant, notification of towing personnel exposure to infectious disease	SB 47
Medical service corporations coverage for chiropractic treatment	SB 30
mental conditions, psychologist defined for insurance reimbursement requirements	SB 22
Medical waste, rulemaking	HB 604
Medicine, board of registration investigations, written complaints; administrative fines	SB 42am
licensing of athletic trainers	SB 62
Mental and nervous conditions, psychologist defined for insurance reimbursement requirements	SB 22
Mental health and developmental services community living facilities with up to 3 clients, fire safety standards	HB 672
emergency shelter program for the homeless; bonds	HB 50am
emergency shelter program, supportive preventive services included ...	HB 478
reimbursement rates set for medical assistance, exempt from publication under administrative procedures act	HB 213am
services purchased from nonprofit organizations for severely emotionally disturbed children exempt from competitive bidding	HB 431am
temporary guardianships, appointment, hearing within 10 days	HB 482am
transfer of funds	HB 65am
community programs, quality assurance records, confidentiality	HB 203
division, appropriation; source of funds changed	HB 50am
NH foundation, trust fund	HB 255
system, interaction with criminal justice system, task force to study	SB 9
Merchants, sales, paying by check, credit card as identification, requesting information prohibited	HB 752
Merrimack River, Manchester and Bedford, waters reclassified	HB 560am
Milford, lease purchase agreement with administrative services for new district courthouse	HB 193
Military clubs, alcoholic beverage license	HB 390
Milk, small producers, minimum prices; fines	HB 442am
Mining, recreational, in rivers guidelines	HB 560am
study	HB 443am

Minors

- abortions, parental notification required.....SB 34
- allowed at certain times in veterans and social clubs
 - with alcoholic beverage licenses.....SB 206am
- corporal punishment by parent, clarification of reasonable force.....SB 113
- employment where alcoholic beverages sold.....HB 390
- tobacco products sold to, penalties.....HB 696
- transporting alcoholic beverages prohibited, exceptions.....HB 620am
- use or possession of tobacco products prohibited.....HB 353am

Misdemeanors

- sentencing, study.....HB 635
- study.....HB 65am

Mooring, or docking without permission prohibited, penalties.....HB 517am**Moose brook, sewage, capital improvements appropriation extended.....SB 117****Moose hunting season, length and total take set by fish and game executive director; report on measures to reduce collisions between moose and motor vehicles.....HB 41am****Mortgages**

- construction, priority of mechanic's liens; additional responsibilities.....SB 155am
- foreclosure sales, lienholders, notification; failure to record within 60 days of sale.....SB 150

Mosquito control committee reinstated.....SB 124**Motor vehicle road toll, increased.....HB 660****Motor vehicles**

- alcoholic beverages, transporting open containers prohibited, penalty; exceptions.....HB 620am
- antique, registration plates issued same year as manufacture of vehicle.....HB 335
- blue emergency lights limited to vehicles operated by police officers; penalties.....SB 19
- certificate of title, designation of beneficiary; procedure.....HB 717
- director, nonresident's driving record provided to law enforcement agencies.....SB 25
- division, funds transferred to general services.....HB 50
- driver's license
 - fees increased; number plates and registration suspended or revoked for court defaults; restoration and default fees; supplementary administrative motor vehicle fund lapsed to highway fund.....SB 191am
 - forms, notice of anatomical gifts.....SB 106

DWI

- age under 21, administrative revocation of license; hearings; restoration; license fees increased, funds to imaging system.....SB 196am
- age under 21, administrative revocation of license; penalties.....SB 51
- drugs, controlled, possession, penalty increased; habitual offender redefined to include two DWI or aggravated DWI offenses.....SB 216
- drugs, penalties.....SB 121
- drugs, penalties; implied consent to tests; person charged required to file notice for attendance of person who conducted tests.....SB 210
- intoxication level reduced.....HB 298
- license revocation period increased.....SB 51
- repeat offenders, multiple offender intervention program required; fees.....HB 627
- emissions inspection program, termination date extended.....HB 114
- finest, unrestricted general fund.....HB 25
- hazardous waste transporter vehicle fees increased.....HB 310
- implied consent, commercial driver's license, penalties increased.....HB 727am
- liability insurance
 - discount for elderly who complete driver education course.....SB 221
 - policies not to exclude intra-family claims; umbrella coverage to provide uninsured motorist coverage.....HB 572
 - uninsured motorist liability limited.....HB 658
- number plates
 - agricultural, tractors; towing implements included.....HB 373
 - special for firefighters.....SB 112

Motor vehicles (cont.)

offenses, forfeiture of recognizance, procedure for collecting;	
DWI bench warrant fund	HB 486am
records for insurance companies, fees	SB 41am
registration	
20 day, requirements changed	HB 727am
hardship identification; number plates revoked for default	
or failure to pay fines	SB 73
permits, voter registration at same time and place, local option	SB 184
removed for continuing to operate after revocation or suspension	
of license	SB 50
retail installment sales paid in full before maturity; insurance,	
rebate on excess premiums	HB 580am
road services, violations, penalties	HB 413
school buses, to allow vehicles to pass, provision clarified	HB 100
semi-trailers, allowable length increased	HB 706
towing personnel, unprotected exposure to infectious disease suspected,	
notification to medical referral consultant	SB 47
traffic violations, credit card deposits at time of summons	SB 32
trucks, open, transporting animals, cage required	SB 68
warranties, nonconformity, arbitration	HB 224
warranty agreements, violations, penalties	HB 413
waste	
redefined under solid waste management	HB 257
tires, reuse, study	HB 750am

Mount Sunapee state park

ski area	
certain operating costs a direct charge against gross	
sales receipts	HB 53am
operations, capital improvements appropriation	HB 35
operations fund increased	SB 117
supplemental appropriation	HB 50

Mount Washington

regional airport	
1989 appropriation redesignated and extended	HB 688
1989 capital improvements appropriation, purpose changed	SB 117
sewage, capital improvements appropriation extended	SB 117

Multiple-employer welfare arrangements regulated by insurance

department	HB 571
------------------	--------

Municipal bond bank, combined investment funds, state and

other governmental units	SB 102
--------------------------------	--------

Municipal budget law

10% rule, collective bargaining agreements exempt	HB 209
budgets forwarded to revenue administration commissioner,	
repealed	SB 118

Municipal courts

fee schedule set by statute	HB 592am
fines, payment by credit card	SB 32am
supplemental appropriation	HB 50

Municipal economic development districts, establishment; limitations ..HB 322am**Municipal finance act, environmental revolving loan funds, municipal**

repayments governed by loan fund statute or rules; proceeds of loan	
to pay interest; authenticating certificate not required	SB 78

Municipal records board, membership increased ..HB 348am**Mutual funds, NH tax exempt tax anticipation notes, exempt from**

interest and dividends tax	SB 38
----------------------------------	-------

N**Nashua**

Hillsborough county superior court	
clerk authorized	SB 70

Nashua (cont.)

- Hillsborough county superior court (cont.)
 - furnishings and security system, appropriation; bonds.....SB 64
 - SB 117
- passenger rail advisory committee extended.....SB 222
- River; Nashua and Hollis, waters reclassified.....HB 560
- technical college, capital improvements appropriation.....HB 35
- traffic conditions, and sequencing of central NH turnpike projects,
 - study.....SB 167
- Westside Plaza liquor store reopened.....SB 39

National Association of Securities Dealers Automated Quotation National Market System, securities listed exempt from registration.....HB 311

National guard, temporary active duty, not incompatible with state office.....CACR 7

Nelson, Sen. Mary S., chair of Capital Budget committee
 honored for dedication and hard work 1582-1583
 remarks on work of the committee 2168-2169

New England Board of Higher Education, membership, supplemental appropriation.....HB 50am

New England child support enforcement system, appropriation extended.....SB 117

New Hampshire

- border dispute with Maine concerning Portsmouth Naval Shipyard and inner harbor, attorney general to consider avenues to resolve.....HJR 1am
- Canadian trade council.....SB 152am
- Centennial Home for the Aged, charter amended, authority to hold property increased.....HB 349
- Congregational-Christian Conference, statement of financial condition filed with municipality.....HB 652
- economic development
 - commission, studies; reports; long term strategic plan.....HB 648am
 - fund; review committee; appropriation; bonds.....HB 50am
- foundation for mental health, trust fund.....HB 255
- heritage trust fund modified.....HB 275
- industrial heritage commission.....HB 409
- investment trusts
 - management; certification; tax treatment.....SB 228
 - payment of expenses; reservation of names.....HB 65am
- public television, capital improvements appropriation.....HB 35
- Savings Bank, land and building in Concord, purchase by state; bonds.....HB 65am
- HB 785
- scenic byways planning program.....HB 705
- sunset act.....SB 56

Newmarket

- 1991 town meeting held in May.....SB 109am
- Gosling Road, additional improvements, bonds, appropriation.....HB 427

News media, child abuse or neglect proceedings, publication without court authorization, contempt of court.....SB 94

Newspapers

- provided to senate members.....SR 1
- public school pupils, freedom of speech and the press.....SB 110

North Branch of the Contoocook River, designated as protected.....HB 674

Northeast conservation law enforcement compact.....HB 362

Northeast Utilities, FERC urged to deny request for rate increase for PSNH.....SCR 2

Northfield, Tilton union school district, costs, how paid; allocation of education funds; 1988 law repealed.....HB 142am

Northwood, sessions of Auburn district court deleted.....HB 193am

Notaries public, 3 year voter registration requirement deleted.....HB 754

Nuclear power plants, monitoring, early warning system, study.....SB 132am

Nuclear station property tax	HB 64am
Nuisances	
health, abatement costs, collected in the manner of property taxes	HB 667
public health services fine deleted	HB 65am
Nurses	
board	
composition, terms; advanced registered practitioners, prescription of drugs determined by joint health council	SB 158am
obsolete laws repealed	HB 361
definitions changed; temporary licenses; fees; unlawful acts extended	HB 597
disciplinary actions, hearings; penalties	HB 250
Nursing homes	
administrative fee increased	HB 65am
administrators may file for disposition of deceased's estate; notice to county attorney	HB 481am
supplemental appropriation	HB 50
Nutfield Heights Inc., statement of financial condition filed	
with municipality	HB 652
Nutritionists, licensing, study	SB 20am

O

Obscene materials, child pornography, purchase, possession, or control, misdemeanor	HB 436
Odiorne state park, Sugden House expansion, capital improvements appropriation extended	SB 117
Office of Thrift Supervision, name changed from Federal Home Loan Bank Board	
SB 52	
Oil	
discharge and disposal cleanup fund	
definition; eligible expenses; underground home heating fuel storage tanks not eligible; license fees changed; competitive bidding	HB 352am
interest credited to general fund until July 1, 1991	HB 50
pollution control fund	
funds transferred to general services	HB 50
interest credited to general fund until July 1, 1991	HB 50
spillage or discharge in waters, definitions; cleanup authority, liability of private participants; governor's emergency powers; enforcement	HB 565am
Old age assistance	
electronic benefits disbursement system	SB 128
supplemental appropriation	HB 50
Old Man of the Mountain, maintenance by DRED	HB 171
Ombudsman	
for children, study	HB 330
for elderly, notified of involuntary transfer of hospital patient	HB 451am
Open space land	
conservation restriction assessments; demonstrated public benefit	HB 492
definitions changed; assessments, valuations to be equalized; contingent liens; reclassification	HB 136
use change tax, fund; disposition; local option	HB 169am
Operating budget	
1991, supplemental appropriations	HB 50
effective date changed	HB 171am
1992 and 1993	HB 25
affirming senate version and urging conference committee to return to negotiations	SR 10
Operation Desert Storm. See: Desert Storm	
Ophthalmic dispensing board, duties; levels of qualification	SB 176
Organ transplants, costs not paid from vocational rehabilitation funds	SB 74

- Ossipee Lake dam**, Effingham, acquisition authorized,
maintenance agreement HB 515am
- Outdoor advertising**
permit fees changed SB 117
proliferation prevented; permits limited; fees increased; height
limited; study HB 722
vegetation removal permit, lilacs to replace vegetation SB 127
- Oysters**, waters under state jurisdiction, sale prohibited HB 289am

P

- Packaging**, certain plastic holding devices prohibited HB 611
- Parent and child**, clarification of reasonable corporal punishment SB 113
- Parental rights**, child abuse or neglect proceedings explained in summons;
preliminary hearing, consequences explained SB 125
- Parents**, responsible for liability of minor creating situation
requiring unnecessary emergency response HB 131
- Pari-mutuel**
commission
powers and duties; simulcast racing SB 100am
racing laboratory, funds transferred to general services HB 50
pools, unclaimed ticket money to general fund HB 50am
- Parker L. Hancock**, state prison building completed in 1990 named for HB 368
- Parks**
and playgrounds, drug free zones, study HB 416am
and recreation
division, conservation corps appropriation SB 18
division, supplemental appropriation HB 50
services, towns, revolving fund from fees and charges SB 134
division, capital improvements appropriation HB 35
Governors state park advisory committee HB 578
state
fees not subject to provisions of administrative procedures act HB 65
fund established HB 53
- Parliamentary inquiries**, Senate rule 44, remarks on excessive use 538-539
- Parole**
board, supervision of juvenile delinquents on conditional release
until age 21; penalty SB 23
officers, group II, retirement system SB 211
purpose; terms of release; revocation of parole; reparole HB 771
- Partnerships**, residence for civil causes SB 150
- Partridge Brook**, Westmoreland, waters reclassified HB 560
- Pease Air Force Base**, veterans cemetery HB 465
- Pease development authority**
airport district redefined HB 577am
borrowing authority, appropriation; bonds HB 65am
buildings to comply with all codes before sale or lease HB 282am
citizen advisory board; duties of authority SB 137
community relations/communications director SB 6
EPA concerns regarding development at Pease 860-861, 899
merger with port authority, study SB 4am
- Pemi-Baker** cooperative school district, conversion from
area plan, reimbursement appropriation SB 149am
- Pemigewasset River**, designated as protected HB 674
- Penacook**, liquor store reopened SB 39
- Persian Gulf war**
President Bush commended for leadership SR 5
state employees on active duty, health and dental benefits continued
for 6 months HB 490
supporting US troops HCR 4

Persian Gulf war (cont.)	
veterans bonus, study.....	SB 10
Personal care attendants, approval by vocational rehabilitation	
division removed.....	HB 531
Personnel	
director, rulemaking areas regarding classified employees limited	SB 75
division, flexible spending programs, administrative costs from	
employee benefit adjustment account	HB 488
Pesticides, application near waters, rulemaking	HB 443am
Pharmacists, licensing, relicensure permitted	SB 153am
Pheasants, hunting, certain limitations removed.....	HB 175
Physicians and surgeons	
injuries from criminal acts, reporting requirement exception	HB 407
renewal of license, late filing fee increased	SB 42am
Pilots, registration certificates good for 4 years, fees increased.....	HB 167
Pink lady's slipper, official state wildflower	SB 40
Pistols and revolvers	
license to sell and record of sale, prescription of forms transferred	
from secretary of state to state police director	HB 754
licenses to carry	
photograph attached; penalty for not carrying license	SB 26
terms changed; fees increased.....	HB 583am
negligent discharge, penalty increased.....	HB 703
Plaistow, solid waste district	SB 226
Planetarium, Christa McAuliffe, programs and equipment totally	
funded from gifts exempt from competitive bidding	SB 214
Planning boards	
administrative inspection warrants; decisions under innovative land	
use control appealed to superior court	HB 385
developments of regional impact, affected towns to be heard.....	HB 248
fees, disposition.....	HB 633
land use violations, district court jurisdiction; citations;	
pleas by mail	HB 595
revocation of recorded approval, procedure	HB 434
site plans approved, 4 year exemption from changes	HB 577
Planning office, state, land conservation program, capital	
improvements appropriation.....	HB 35
Planning powers, commercial and recreational fisheries not	
discouraged by.....	HB 559
Plant and property division, general services, supplemental	
appropriation for heat, electricity, and water.....	HB 50
Plastic holding devices prohibited, penalty.....	HB 611
Plats, approval recorded, revocation by planning board, procedure	HB 434
Plymouth	
bridge on route 175A, replacement appropriation; bonds	SB 54
liquor store, driveway permit	SB 117
Pemi-Baker cooperative school district, conversion from area plan,	
reimbursement appropriation.....	SB 149am
Podiatry board, administrative fines; rulemaking; licenses; record keeping;	
scope of practice; disciplinary actions; hearings and	
investigations	SB 42
Police	
assault against, extended term of imprisonment	SB 27am
blue emergency lights limited to vehicles operated by; penalties	SB 19
municipal, tuition waiver at state colleges	SB 227
nonresident's driving record provided by motor vehicles director	SB 25
standards and training council	
capital improvements appropriation	HB 35
fund balance lapsed to general fund.....	HB 50

- Police (cont.)**
standards and training council (cont.)
funds not transferred SB 13am
increased enrollment, transfer of funds.....HB 25
workers' compensation, cardiovascular disease and certain cancers
presumed occupationally related.....SB 77
- Pornography, child, purchase, possession, or control, misdemeanor** HB 436
- Port authority**
business with foreign countries
bonds SB 117
merger with Pease development authority, study.....SB 4am
Port of Portsmouth expansion, capital improvements appropriation,
conditions; 1987 dredging appropriation purpose changed,
extended HB 35am
- Portsmouth**
harbor dredging, capital improvements appropriation extended SB 117
Naval Shipyard and inner harbor, border dispute with Maine,
attorney general to consider avenues to resolve HJR 1am
- Postsecondary education**
commission
administration of scholarship program for children of safety personnel
killed in line of duty SB 218
N.E. Board of Higher Education membership, supplemental
appropriation HB 50am
- Postsecondary technical education**
additional appropriation; lease of land and sale of materials,
use of revenue HB 25
capital improvements appropriation; 1989 appropriation extended HB 35
director of financial management; nonlapsing accounts SB 33
person donating equipment, liability limited HB 256
transfer of funds regardless of source; exception SB 13am
- Potatoes, sales, hearings; uniform penalties** HB 356
- Power of attorney, durable, for health care** SB 66
- Premature births, study** HB 288
- Prenatal care, access for low income women, appropriation** SB 177
- President, Sen. Edward C. Dupont, Jr.**
announcement of birth of daughter Ashley Ann.....2471
applauded for good leadership.....2075
nominated and elected President.....4-6
remarks
on election.....6-8
on convening day 16
on developing criteria for when representation is appropriate.....19
on handling the budget bill 833-834, 910-911, 1009-1011, 1549, 1553-1554
.....2074-2075, 2083, 2236-2237, 2241-2242, 2345-2346
on schedule for rest of session.....1140-1142
- Prisoners, annulment of criminal record after 5 years** HB 661
- Privacy, social security numbers, disclosure limited** HB 701
- Private detectives, employees, licensure, exemption from**
education requirement HB 691am
- Privileged information, quality assurance records of community**
mental health programs HB 203
- Probate**
court
and registers, fee schedule set by statute HB 592am
appeals from adoption decrees, priority in supreme court SB 104
nursing home administrators may file for disposition of
deceased's estate; notice to county attorney HB 481am
scheduling by register of probate HB 269am
supplemental appropriation.....HB 50

Probate (cont.)

fiduciaries, failure to file inventory or account, notices,
times changed; who notified.....SB 209

Probation officers, group II, retirement system.....SB 211

Product liability actions, discovery, disclosure of information.....SB 91

Professional counseling, certification.....SB 69

Prostitutes, solicitation, misdemeanor.....HB 452

Psychologists

board of examiners and employees, immunity from civil action.....HB 170

defined for insurance reimbursement requirements.....SB 22

Public assistance

electronic benefits disbursement system.....SB 128

study.....HB 733

supplemental appropriation.....HB 50

towns, no cash payments to recipients.....HB 65am

Public deposit investment pool, bank commissioner.....SB 102

Public employees, collective bargaining, exempt from

municipal budget law 10% rule.....HB 209

Public health services

administrative fines; burial permits.....HB 65am

capital improvements appropriation.....HB 35

funds transferred to general services.....HB 50

new positions, laboratory scientists.....SB 210

treatment authorized to control communicable diseases.....HB 179

vaccine purchase fund.....SB 72am

Public meetings, executive sessions replaced by nonpublic sessions.....HB 133am

Public Service Company of NH, FERC urged to deny request

for rate increase.....SCR 2

Public trust, registered water users.....SB 136

modification.....HB 104am

Public utilities**commission**

general counsel added.....HB 713

nuclear power plant monitoring.....SB 132

defined to exempt resellers of telecommunication services.....SB 133

electric

defined, municipal corporation exempt; affiliate definition
expanded.....HB 484

plant siting, bulk power supply facilities redefined,
20 megawatts included.....SB 108

siting and construction, incorporated into energy siting statute.....HB 736

nuclear station property tax; franchise tax redefined, electric

energy removed.....HB 64am

permanent rates based on reasonable return on used and useful

property; temporary rates repealed.....SB 142

takeovers, reimbursement of costs to target company; costs not

included in rates.....SB 135am

underground damage prevention system; penalties.....SB 139am

Public water rights study committee, duties and reporting

date extended.....HB 104am

Public works

competitive bidding, responsible bidder defined.....SB 138

expenditure in excess of budget estimate.....SB 117

underground tank removal and replacement, capital improvements
appropriation.....HB 35

Pump installers, water treatment equipment, licenses.....SB 116

Purchase money security interest, time period for perfecting

under UCC.....HB 103

Q

Quality assurance program, definition.....HB 203

R

Racing

- laboratory, funds transferred to general services HB 50
- simulcast, different type than at track; local option; in and out
of state SB 100
- unclaimed ticket money to general fund HB 50am

Raffles, permitted at same time and place as bingo; prize

- value increased SB 189am

Ragged Neck, shore erosion protection, capital improvements

- appropriation extended SB 117

Railroads

- alternative transportation study; Nashua passenger
rail advisory committee extended SB 222
- Conway branch line, rebuilding appropriation SB 162
- properties on public waters, leasing to adjacent
landowners for noncommercial use HB 172
- rights of way and properties, state owned in fee simple absolute,
reversionary rights extinguished HB 137

Randlett, Gloria, elected clerk 8-9**Rannie Webster Foundation**, statement of financial condition

- filed with municipality HB 652

Real estate

- appraisers, licenses HB 691
- brokers
 - or firms, interest bearing trust accounts, interest to affordable
housing fund SB 179
 - or salesmen, licensing exemption for manufactured housing park
owners repealed SB 163
- commission, funds transferred to general services HB 50
- practice, laws recodified SB 31
- transfer tax
 - exemptions, transfers between spouses in divorce HB 322am
 - rate for biennium SB 119
 - rate for biennium HB 64am
 - rate for biennium HB 336am

Reapportionment

- congressional districts, study SB 2am
- senate
 - special committee appointed 34, 37
 - study SB 1am

Recognizance, motor vehicle violations, forfeiture, procedure

- for collecting; DWI bench warrant fund HB 486am

Records

- criminal. See: Criminal records
- municipal records board, membership increased HB 348am

Recreation and park services, towns, revolving fund from

- fees and charges SB 134

Recycling and waste reduction for newspapers, plastics, and

- packaging, voluntary agreements, task force extended HB 276am

Refrigerating warehouses, administrative fines HB 65am**Regional planning commissions**

- liability and indemnification HB 278
- town developments of regional impact, hearings HB 248

Regional refuse disposal districts

- Lamprey regional solid waste cooperative deemed to have met planning
requirements SB 183
- study SB 98

Register of deeds

- notice of claim under dower and curtesy recorded by Dec. 31, 1991 HB 450
- protective well radii less than optimum, release form recorded HB 111am
- sewage disposal systems, plan approval recorded with HB 745am

Register of probate

fee schedule set by statute	HB 592am
notice to fiduciaries of failure to file inventory or account, times changed; who notified	SB 209
scheduling of probate courts	HB 269am

Reinsurance intermediaries, licenses HB 692**Reservoir Brook, Enfield, waters reclassified HB 560****Residential care facilities, licensing HB 451****Residential services bureau, supplemental appropriation HB 50****Resources and economic development**

advisory committee on economic development	SB 111
capital improvements appropriation	HB 35
certain fines credited to training of forest rangers	HB 608
commissioner rulemaking for fees for state forests, parks, and buildings repealed	HB 65am
state ski areas, expenditure of anticipated revenues	HB 53
economic development fund; review committee; appropriation; bonds	HB 50am
enterprise zones with business incentives	SB 217
Governors state park advisory committee	HB 578
Hampton Beach seawall improvements, Hampton harbor, and other 1989 appropriations extended	HB 35
industrial technology research and innovation center at UNH	SB 7
international trade promotion	SB 28
maintenance of Old Man of the Mountain	HB 171
NH-Canadian trade council	SB 152am
small business mini-loan program; appropriation	SB 145
supplemental appropriation	HB 50
vacation travel promotion, appropriation nonlapsing	HB 50am
various projects capital improvements appropriations extended	SB 117

Restaurants, administrative fines HB 65am**Retirement communities, age requirement changed HB 241**

. SB 76

Retirement system

earnable compensation redefined; eligibility of elected and unclassified officials, conditions; group I, reduced service retirement allowance; special fringe benefits repealed	HB 62am
employer contribution rates changed; special account changed; benefits study	HB 51
executive secretary, salary increased	HB 65am
federal service purchased and credited to NH system; not creditable for eligibility for health benefits; non governmental entities withdrawal required	HB 161am
group I 5% cost of living adjustment; teachers, retired before July 1, 1957, 10% cost of living adjustment	SB 148
early retirement when economic conditions require termination of employment	HB 549
group II death benefits	HB 161am
medical benefits extended	SB 141
probation and parole officers	SB 211
retired after July 1, 1991, medical benefits not paid in full by state	HB 65am
introduction of bills affecting, prior notification of certain unions	SB 207
investments, public deposit investment pool administered by bank commissioner	SB 102am
political subdivision member, withdrawal within 6 months of initial employment, employer contribution returned to political subdivision	HB 550
retirees health insurance, supplemental appropriation	HB 50
teachers, minimum allowance	SB 215

Revenue administration

commissioner, analytical report on tax credits	HB 64am
computation of loss of taxes for public forest lands	HB 65am

Revenue administration (cont.)

- computer development, 1989 capital improvements appropriation extended. .HB 35
- contractual agreements with financial institutions; confidentiality
 - of records, vendors disclosure, penalties HB 322am
- current use board administratively attached. HB 136
- enforcement and administration of state taxes; taxpayer bill of
 - rights. HB 428
- medicaid enhancement tax, rulemaking. HB 1
- monitoring of appraisers when reassessment is ordered by tax
 - and land appeals board SB 117
- monitoring of reassessments in certain circumstances HB 129
- reports required, county conventions, town officers; returns processing
 - changed to document processing; commissioner's interpretive
 - authority increased. SB 118am
- requested to change interpretation applying business profits tax to
 - sale or rental of personal residences. SR 11
- revenue counsel added HB 65am
- taxpayer's appeal for redetermination or reconsideration, time
 - changed HB 322am
- time for notification of special town meeting changed HB 514

Revenue returned to cities and towns, bills amending or

- repealing, "local" placed after bill number SB 15am

Revenue structure, state, study SB 170**Revenue, unrestricted**

- estimates for 1992 and 1993. SR 9
- revised estimates HB 25
- revised estimates HB 50

Reynolds, Charles D., retiring Chief of police of Dover, res honoring 429**Rifles and shotguns, negligent discharge, penalty increased. HB 703****Right to die, terminal care document**

- name changed to living will; sustenance exception deleted. HB 485
- sustenance exception deleted; witnesses, designees of certain
 - officials. SB 188

Right to know, executive sessions, replaced by nonpublic sessions HB 133am**Rivers**

- development near, and recreational mining in, studies. HB 443am
- management and protection, Pemigewasset River, Contoocook River, and
 - North Branch of the Contoocook River; nominations; hearings;
 - classifications HB 674am
- recreational mining, guidelines. HB 560am
- set back requirements, exception for application of lime
 - and wood ash to farmlands HB 402am
 - wood ash, sludge, and septage. HB 674am

Road rules

- animals, riding or driving on roadway, safety provisions HB 158am
- DWI, age under 21, administrative revocation of license; penalties SB 51
- school buses to allow vehicles to pass, provision clarified HB 100
- transporting alcohol in open containers or transporting alcohol
 - by minors prohibited, penalties; exceptions HB 620am
- violations, forfeiture of recognizance, procedure for collecting. HB 486am

Rochester

- meeting on reclassification of Salmon Falls Road SB 90
- post office, renovation as district court facility, bonds HB 193am
- Skyhaven airport operation commission SB 5

Rockingham county

- attorney, salary, method of setting HB 429
- household hazardous waste day SB 186
- new courthouse
 - appropriation; bonds SB 11
 - uses for present building; study SB 84
- superior court, capital improvements appropriation HB 35

Roll calls

opening of session	1
temporary presiding officer	
Trowbridge, 12; Hough, 12	3
Trowbridge, 12; Hough, 12	3-4
Trowbridge, 1; Hough, 23	4
SB 1, reapportioning the state senate districts. Question, adopt Heath floor amendment. Yeas, 10; Nays, 13.	714
SB 15, relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state. Question, adopt committee amendment. Yeas, 24; Nays, 0	82
SB 29-FN-A, establishing a legislative ethics committee. Question, order to third reading. Yeas, 24; Nays, 0	122
SB 34-FN, requiring parental notification before abortions may be performed on unemancipated minors. Question, adopt committee amendment. Yeas, 10; Nays, 13	207
Question, ought to pass. Yeas, 10; Nays, 13	209
SB 62-FN, relative to licensure of athletic trainers. Question, substitute ought to pass for inexpedient to legislate. Yeas, 15; Nays, 8	237
SB 66, relative to durable power of attorney for health care. Question, adopt committee amendment. Yeas, 18; Nays, 5	742
SB 75, relative to bargaining rights for state employees. Question, adopt committee amendment. Yeas, 13; Nays, 8	507
SB 81, relative to damages for wrongful death. Question, adopt committee amendment. Yeas, 14; Nays, 8	288
SB 103-FN, relative to parental choice in education. Question, adopt floor amendment. Yeas, 5; Nays, 17	352-353
Question, ought to pass. Yeas, 5; Nays, 17	354
SB 131-FN, relative to choice in education. Question, ought to pass. Yeas, 5; Nays, 17	355-356
Question, send to interim study. Yeas, 15; Nays, 7	357
SB 137-FN, relative to the Pease Development Authority. Question, adopt committee amendment. Yeas, 10; Nays, 14	672
SB 140-FN, establishing a committee to study rate setting for certain services, placements, and programs. Question, pass over Governor's veto. Yeas, 12; Nays, 12	2328
SB 162-A, relative to rebuilding, modernizing, and maintaining the Conway branch line and making an appropriation therefor. Question, adopt committee amendment. Yeas, 19; Nays, 4	423
SB 169, prohibiting steel leg traps. Question, substitute ought to pass for inexpedient to legislate. Yeas, 13; Nays, 8	535
SB 171-FN, prohibiting discrimination on the basis of smoking. Question, adopt committee amendment. Yeas, 19; Nays, 3	398
SB 173-FN-A, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. Question, ought to pass. Yeas, 18; Nays, 4	403-404
Question, adopt committee report of inexpedient to legislate. Yeas, 11; Nays, 12	790
Question, pass over Governor's veto. Yeas, 6; Nays, 17	1622
SB 193-FN, relative to limits on motorboat speeds. Question, adopt floor amendment. Yeas, 14; Nays, 8	752-753
SB 195-FN, relative to campaign expenditure limitations. Question, adopt conference committee report. Yeas, 17; Nays, 5	2228
SB 203-FN, relative to the budget of the university system. Question, adopt committee report of inexpedient to legislate. Yeas, 20; Nays, 4	111
SB 219, restructuring the state art fund. Question, adopt floor amendment. Yeas, 10; Nays, 12	298
SR 10, relative to the operating budget. Question, ought to pass. Yeas, 21; Nays, 3	2260
HB 1-FN-A, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor. Question, ought to pass. Yeas, 20; Nays, 4	2303
HB 25-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. Question, adopt committee amendment. Yeas, 20; Nays, 4	1898
Question, recommit to Finance. Yeas, 2; Nays, 22	1901
Question, adopt conference committee report. Yeas, 19; Nays 3	2346

Roll calls (cont.)

HB 35-A, making appropriations for capital improvements. Question, ought to pass as amended. Yeas, 21; Nays, 2	1609
HB 40-FN-A, relative to certain state taxes and making an appropriation therefor. Question, suspend rules to dispense with hearing. Yeas, 20; Nays, 3	2331-2332
Question, order to third reading. Yeas, 14; Nays, 8.	2337
HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles. Question, lay on table and make a special order. Yeas, 10; Nays, 13.	2266
Question, adopt floor amendment. Yeas, 9; Nays, 14	2278
HB 50, relative to state revenue and expenditures. Question, adopt committee amendment. Yeas, 20; Nays, 2	479
HB 64-FN-A, relative to establishing a tax on nuclear station property and making an appropriation therefor. Question, adopt first Humphrey floor amendment. (deleting communications tax surcharge) Yeas, 4; Nays, 20.	2054
Question, adopt second Humphrey floor amendment. (reducing rooms and meals tax) Yeas, 4; Nays, 20	2055-2056
Question, adopt third Humphrey floor amendment. (reducing real estate transfer tax) Yeas, 4; Nays, 20	2058
Question, adopt conference committee report. Yeas, 19; Nays, 3 ..	2414-2415
HB 65-FN-A, relative to administration and enforcement of the securities laws, state employees benefits, and state fees, funds, revenues, and expenditures. Question, adopt Colantuono floor amendment. Yeas, 9; Nays, 14.	2042
Question, adopt conference committee report. Yeas, 18; Nays, 4 ..	2400-2401
HB 75-FN-A, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund. Question, ought to pass. Yeas, 19; Nays, 3	2463
HB 127, establishing civil rights day and abolishing fast day. Question, adopt majority amendment. Yeas, 10; Nays, 11.	998
HB 146-FN-A, relative to the rate of the business profits tax. Question, adopt floor amendment. Yeas, 16; Nays, 8.	2062-2063
HB 298-FN, lowering the level from .10 to .08 for legal intoxication under the DWI laws. Question, adopt committee amendment. Yeas, 6; Nays, 17.	1035
Question, lay on table. Yeas, 16; Nays, 7.	1036
Question, take off table. Yeas, 9; Nays, 12	1420
Question, adopt Heath floor amendment. Yeas, 11; Nays, 12	1635
Question, order to third reading. Yeas 7; Nays, 12	1646
HB 350-FN, relative to assault. Question, adopt minority amendment. Yeas, 10; Nays, 13.	1016
HB 353-FN-A, to tax smokeless tobacco and making an appropriation therefor. Question, adopt majority amendment. Yeas, 8; Nays, 16.	1926
HB 378-FN-A, relative to determining reasonable compensation under the business profits tax. Question, adopt floor amendment. Yeas, 14; Nays, 10	2067-2068
HB 391, to permit adoption of impact fees as part of a zoning ordinance. Question, adopt committee amendment. Yeas, 14; Nays, 9	1507-1508
Question, adopt floor amendment. Yeas, 9; Nays, 14	1512
HB 463, relative to rulemaking for the board of education. Question, adopt committee amendment. Yeas, 11; Nays, 11	1351
Question, adopt floor amendment. Yeas, 17; Nays, 5	1352
HB 485, relative to living wills. Question, adopt minority report of ought to pass. Yeas, 16; Nays, 5	1171
HB 593-FN-A, relative to the rate of the business profits tax. Question, adopt committee amendment. Yeas, 18; Nays, 4	436-437
HB 620-FN, relative to the transportation of alcohol in open containers. Question, lay on table. Yeas, 12; Nays, 12.	1039-1040
HB 649-FN, relative to the cigarette tax. Question, substitute ought to pass for inexpedient to legislate. Yeas, 15; Nays, 9	1955
HB 660-FN-A, establishing a highway and bridge betterment program and making an appropriation therefor. Question, adopt committee amendment. Yeas, 14; Nays, 8	1332

Roll calls (cont.)

HB 669-FN, relative to the borrowing authority of the state treasurer. Question, adopt conference committee report. Yeas, 20; Nays, 2	2403-2404
HB 674-FN, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. Question, adopt committee amendment. Yeas, 14; Nays, 7	1289
HB 720-FN, relative to fireworks. Question, adopt majority amendment. Yeas, 8; Nays, 15	1476
HCR 7, adopting a bill of rights for children. Question, substitute ought to pass for inexpedient to legislate. Yeas, 8; Nays, 13	984
HCR 9, relative to universal access to health care. Question, ought to pass. Yeas, 10; Nays, 12	931
HCR 11, relative to abortion drug RU 486. Question, substitute ought to pass for inexpedient to legislate. Yeas, 13; Nays, 9	1323
CACR 7, relating to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state office. Question, ought to pass. Yeas, 18; Nays, 5	1408

Rollinsford, deer taking, methods limited HB 121

Rooms and meals tax. See: Meals and rooms tax

Rules

joint, committees of conference	HCR 14
Senate	
1989-90 session adopted for 1991-92 session	SR 2
amended and printed	2434-2443
amendment to rule 22, re-refer to committee	2429-2432
number 44, (parliamentary inquiry) remarks on excessive use	538-539
state agencies	
interim rule adoption procedure changed; alternate members added to legislative committee on administrative rules	SB 24
may be disapproved by general court	CACR 12
proposed, statement that they do not violate constitutional ban on unfunded state mandates	SB 97

Rye harbor, dredging, capital improvements appropriation extended SB 117

S

Safe deposit boxes, rent unpaid, opened before officer of
corporation; auction, time extended HB 454

Safe drinking water act, protective well radii regulations;
overlap of boundary lines; cluster developments HB 111am

Safety

commissioner	
designation of highways where semitrailers may be operated	HB 706am
fireworks, sales and displays, regulations; rulemaking	HB 720
rulemaking, credit card deposits on fines for motor vehicle violations	SB 32
department	
boats, sales without mufflers prohibited, exception; various penalties added; mooring without permission prohibited	HB 517am
capital improvements appropriation; 1989 appropriation extended	HB 35am
closing negative balances, appropriation	HB 25
fire training academy, construction appropriation	SB 41
funds transferred to general services	HB 50
new motor vehicle arbitration board administratively attached	HB 224
on-line imaging system for drivers licenses; fees increased.	SB 191am
personnel killed in line of duty, scholarship program for children	SB 218
report on effect of law exempting sailboards from having personal flotation devices	HB 351am
services	
funds transferred to general services	HB 50
Glendale boathouse repair, bonds	HB 50am
speed limits for boats, enforcement	SB 193

Sailboards, personal flotation devices not required	HB 351
St. Jean, Sen. James R., presented legislative license plates by Sen. Delahunty	263
Salemhaven, Inc., statement of financial condition filed with municipality	HB 652
Sales	
farm products, uniform penalties	HB 356
paying by check, credit card as identification, recording information prohibited	HB 752
tobacco products to minors, penalties	HB 696
Salmon Falls Road, meeting on reclassification	SB 90
Salt, low salt highway districts to protect public drinking supplies	SB 86
Sandwich, portions of certain highways changed from class II to class V	HB 132
Savings and loan associations, conversions	HB 313
Scenic byways planning program	HB 705
Scenic roads, removal of trees declared a nuisance	HB 372am
Schmelzer, Lois, nominated and elected assistant clerk	9-10
Scholarships, children of safety personnel killed in line of duty	SB 218
School buses, allowing vehicles to pass, provision clarified	HB 100
School districts	
choice in education program	SB 131
conversion from area plan to cooperative, reimbursement provision repealed	SB 149am
cooperative	
elections, voter on town or city checklist eligible; separate checklist not required	HB 166am
which include a city, participation in planning committees	SB 89
deposits, public deposit investment pool administered by bank commissioner	SB 102am
expenditure of excess funds; trust funds for specific purposes	HB 563
foundation aid	
1991, appropriation to equal sweepstakes revenue shortfall if necessary	SB 175
formula effectiveness, study; maximum equalization factor established	HB 341am
funded by state sponsored credit card program	SB 59
minimum level set	SB 147
sweepstakes revenue, distribution method changed	SB 212
Hollis-Brookline and Pemi-Baker cooperative, converting from area plan, reimbursement appropriation	SB 149am
number of petitioners and time for submitting warrant articles changed	HB 542am
recreation services, revolving fund from fees and charges	SB 134
special meeting and election of officers not held on biennial election day; exceptions	HB 532am
special meetings, capital reserve funds, establishment and expenditures	HB 519
state and federal mandates, task force to recommend modification or repeal	HB 603am
treasurers, funds invested in securities, collateral	SB 83am
voucher program	SB 103
Schools	
administrative units	
comprising only one district, budget prepared as part of district budget	HB 142
study	SB 156
weighted voting formula changed	HB 113
building aid	
formula, study	SB 67
supplemental appropriation	SB 12
.....	HB 50

Schools (cont.)

certain secondary, financing by higher educational and health facilities authority	SB 225
drug free zones, signs posted, penalties	HB 416
improvement program, exempt from competitive bidding requirements . .	HB 65am
public	
operation and financing, constitutionality, study	SB 99
pupils, freedom of speech and the press	SB 110
statistical reports filed with education department; building aid grants, dates changed	HB 655

Secondary Mortgage Market Enhancement Act, federal law not

applicable to insurance company investments	HB 576am
---	----------

Secretary of state

certificates of election for state representatives issued by	HB 754
certification of NH investment trusts; fees	SB 228am
corporations	
charters reinstated, procedures; name protected; fee	HB 202am
information services, fees	HB 329
license to sell pistols and revolvers and record of sale, prescription of forms transferred to state police director	HB 754
registration of capital stock and securities of corporations	HB 65am

Secured transactions, purchase money security interest,

time period for perfecting	HB 103
--------------------------------------	--------

Securities

agent redefined to include agent of investment advisor	HB 187
leverage contract applied to investment metal and investment gem	HB 188
registration	
certain transactions exempt	HB 185
exemptions	HB 311
isolated sales exempt	HB 186
regulation, office eliminated; duties transferred to attorney general and secretary of state	HB 65am
rulemaking authority extended	HB 189
sales, escrow of certain funds, conditions; statement required on prospectus, study	HB 304
uniform limited offering exemption from registration and filing requirements	HB 441
violations	
administrative fines	HB 183
civil penalties	HB 184

Security deposits. See: Landlord and tenant**Security guards, employees, licensure, exemption from**

education requirements	HB 691am
----------------------------------	----------

Seidman, L. William, FDIC Chairman, recognized for

responsiveness to banking needs of the state	SR 4
--	------

Senate

clerk. See: Clerk	
election returns	11-14
report of select committee	14-15
leadership positions	20
members, newspapers provided	SR 1
oath of office	2
president. See: President	
reapportionment	
special committee appointed	34, 37
study	SB 1am
rules	
1989-90 session adopted as rules of 1991-92 session	SR 2
amended and printed	2434-2443
amendment to rule 22 (re-refer to committee)	2429-2432
number 44 (parliamentary inquiry) remarks on excessive use	538-539
salary and mileage payments	SR 3
staff introduced	16, 265

Sentences

- annulment of criminal record
 - fee for investigations.....HB 208am
 - person who was imprisoned.....HB 661
- county facility in any county, expenses, reciprocal agreements;
 - transfers HB 274am
- extended imprisonment, assault against law enforcement officer.....SB 27am
- finest for crimes doubled.....HB 65am
- misdemeanors, study.....HB 635
- parole revocation, reparole HB 771

Septage, exception from river set back requirements HB 674am

Sergeant-at-arms, Richard H. Wiggin elected.....10-11

Sewage disposal

- law enforcement by local officials, notification of attorney general
 - and environmental services commissioner HB 751am
- systems, plan approvals recorded with register of deeds; fees; fund HB 745am

Sewerage system plans and specifications, fees HB 493

Sewers, charges, late, interest rate.....SB 118

Sexual assault, injuries, reporting requirement exception HB 407

Shoreland protection act, comprehensive HB 443

Signs, political, along highways, restrictions.....SB 46

Simulcast racing, different type than at track; local option;

- in and out of state.....SB 100

Site plan, review regulations, approved plans, 4 year exemption

- from changes HB 577

Ski areas, state, anticipated revenues, expenditure; rate

- differentials due to weather conditions HB 53

Ski craft, redefined to include wave runner SB 63

Skyhaven airport

- capital improvements appropriation; 1988 appropriation extended.....HB 35
- hangar and audit capital improvements appropriations extended SB 117
- operation commission SB 5

Sludge, exception from river set back requirements HB 674am

Small Business Development Corporation, 50% of accumulated

- surplus of IDA may be allocated.....HB 648

Small business mini-loan program; appropriation.....SB 145

Small claims, debt or damages under \$1,500; jury trial if over HB 715

Smelt, freshwater, taken only by angling HB 205

Smokeless tobacco, tax.....HB 353

Smoking

- designated areas required in public buildings HB 702
- outside the workplace, employment discrimination prohibited SB 171am
- use or possession of tobacco products by minors prohibited HB 353am

Social clubs, alcoholic beverage license, minors allowed at

- certain times SB 206am

Social security numbers, disclosure limited HB 701

Social workers, training by children and youth services HB 65am

Solid waste

- compost defined; use of state produced compost encouraged.....HB 753
- facilities
 - certain districts exempt from application fees.....SB 122am
 - permits, public benefits requirements.....HB 509
- illegal disposal, enforcement by local officials, notification of
 - attorney general and environmental services commissioner HB 751am
- lime and wood ash, application to farmland, exception from river
 - set back HB 402am
- management, motor vehicle waste redefined.....HB 257

Solid waste (cont.)

Plaistow, one town district; Kingston not required to dispose of waste from Plaistow	SB 226
reduction and recycling, report of environmental services commissioner	HB 276

Somersworth

deer taking, methods limited	HB 121am
hunting, high-powered rifle prohibited	HB 347
meeting on reclassification of Salmon Falls Road	SB 90

Spaulding turnpike. See: Eastern NH turnpike**Speaker of the house, Harold Burns, remarks on convening day**16**Special education**

bureau, services purchased from nonprofit organizations for severely emotionally disturbed children exempt from competitive bidding	HB 431am
court ordered placement out of district, education department notified	HB 461
developmentally delayed child, definition	HB 433
hearing officer, authority	HB 462
rate setting methods, study	SB 140am
supplemental appropriation	SB 36
.....	HB 50

Sports

athletic trainers licensed by board of medicine	SB 62
gender equity, study	SB 85

State agencies

motor vehicle appropriations reductions	HB 25
new, temporary status; sunset review	SB 48
out of state travel, appropriations lapsed; exceptions	HB 25
rules	
interim rule adoption procedure changed; alternate members added to legislative committee on administrative rules	SB 24
may be disapproved by general court	CACR 12
proposed, statement that they do not violate constitutional ban on unfunded state mandates	SB 97
sunset review	SB 56
.....	SB 120
utilizing NH hospital vacant space, study	HB 219

State buildings

new or enlarged, % of bid price for art fund removed	SB 219
office space available, agencies renting private space required to occupy	HB 25

State-capitol-region planning commission, notification of state purchase, taking, or disposal of real estate in Concord area; report HB 723**State construction contracts, bidders to provide health**

insurance for employees	SB 138am
-------------------------------	----------

State debt, ceiling exceeded only by 3/5 vote; debt service

fiscal impact note	HB 622am
--------------------------	----------

State employees

active duty in Operation Desert Storm, health and dental benefits continued for 6 months	HB 490
collective bargaining	
factfinder's report rejected	HB 65am
issues expanded	SB 75
credit for prior service as employee of political subdivision in certain cases	HB 429am
flexible spending programs, administrative costs from benefit adjustment account	HB 488
laid off, rehiring, date extended	HB 50am
multiple offender program, positions reclassified; vacant positions abolished; reestablishment; personnel services and benefits, reduction	HB 65am

State employees (cont.)

- medical and surgical benefits, state to pay a portion HB 65am
- positions abolished or created, list to personnel division by LBA;
limitations.....HB 25

State Employees Association, prior notification of introduction

- of bills affecting retirement system SB 207

State heritage collections committee.....HB 275

State house, fire protection and electrical system; bonds.....HB 50am

State land

- exchanges during right of way negotiations for public projects
exempt from law regulating disposal of land HB 327
- Kona wildlife management area, ownership retained by state HB 240am
- lease of NH hospital land to Bancroft Products, Inc., Concord.....HB 761am

State library, county commissioners to file 3 copies of annual

- reports with HB 754

State mandated programs

- commission to eliminate SB 21
- list of new unfunded programs compiled by LBA SB 35
- task force to recommend modification or repeal HB 603

State police

- criminal records, misdemeanors and violations included;
availability, fee.....HB 363
- director, prescription of forms for license to sell pistols and revolvers
and record of sale transferred to from secretary of state.....HB 754
- funds transferred to general services HB 50
- jurisdiction, DWI and drug cases SB 154
- notice of annulment of records application HB 208
- officers killed in line of duty, scholarship program for children.....SB 218
- Troopers Association, prior notification of introduction of bills
affecting retirement system.....SB 207
- tuition waived at state colleges.....SB 204

State prison

- building completed in 1990 named for Parker L. Hancock HB 368
- construction, phase V appropriation, lapse date extended HB 258
- supplemental appropriation HB 50

State purchase of land and building in downtown Concord; bonds;

- committee to study use.....HB 65am
- HB 785

State sponsored credit card program SB 59

State wildflower, pink lady's slipper.....SB 40

Stepparents visitation rights; award of custody HB 567am

Stratford school district, foundation aid, maximum

- equalization factor, amount, effective date HB 341am

Strikes, replacement employee violations, civil penalties; appeals.....SB 87am

Studies

- administrative fines, compensatory damages by human rights
commission HB 244am
- alternative transportation in southern NH.....SB 222
- Alzheimer's disease, placement of those afflicted HB 397
- artificial impoundments.....HB 210
- bail jumping, penalties changed SB 45
- bankruptcy laws HB 307
- banks and financial institutions HB 283am
- bidders on state construction contracts to provide health insurance
for employees.....SB 138am
- bonus for veterans of Persian Gulf war SB 10
- catastrophic illness funds, use SB 74am
- central NH turnpike, sequencing of projects, and
Nashua traffic conditions SB 167
- child care in public and private sector buildings, zoning ordinances
to encourage, extended HB 711

Studies (cont.)

children in need of services	HB 54am
choice in education	SB 131
cigarette sales and distribution	SB 129
clearcutting regulated	HB 709
condominium conversion of manufactured housing parks	HB 670
congregate housing task force, strategy for accessing federal funds	HB 629
congressional districts reapportionment	SB 2am
corporation law, changes to entice business to the state; what types to encourage	SB 57
development near rivers and recreational mining	HB 443am
district and municipal court facilities; consolidation of Hanover and Lebanon courts	HB 193am
drug free zones, parks, playgrounds, and public housing authorities	HB 416am
eastern NH turnpike, exit 10, appropriation increased; conditions of funding	SB 3
emergency 911 statewide telephone system	HB 106
enterprise zones with business incentives	SB 217
expedited environmental permit process	SB 79
fair credit billing, correction of errors	HB 139
finances and fees, programs for collection	HB 610am
fire laws, recodification	HB 173
fireworks, class C, sale and display	HB 720am
foundation aid formula effectiveness	HB 341
group health insurance, continuation of benefits after member becomes ineligible	HB 767am
highway toll rate inequities	SB 168am
household hazardous waste	SB 186am
industrial development authority, restructuring	SB 101
insurance coverage for infertility	SB 190am
interaction of criminal justice system with mental health system	SB 9
Iaconia - I-93 connector highway	SB 60am
Lake Massasecum and Warner River, hydrologic study and field surveys	SB 65
law library consortium in state	HB 180am
Ledyard bridge environmental and engineering design; bonds	HB 448
licensing dietitians and nutritionists	SB 20am
lobbyists' income disclosure	SB 194
long term economic development of state by economic development commission	HB 648am
manufactured housing parks, administration and enforcement of laws; licensing of owners and sales staff	SB 205am
misdemeanor sentencing	HB 635
misdemeanors	HB 65am
Monte Carlo and Las Vegas nights	SB 181am
NH historic flags, committee increased, reporting date extended	HB 684
nuclear power plants, monitoring, early warning system	SB 132am
ombudsman for children	HB 330
outdoor advertising, uniform system	HB 722
patients' bill of rights	HB 451am
Plaistow, one town solid waste district	SB 226
port authority, merger with Pease development authority	SB 4am
premature births	HB 288
private utilization and management review plans	SB 43
public assistance	HB 733
public education, operation and financing, constitutionality	SB 99
public utilities, permanent rates, basis	SB 142
public utility not to include resellers of telecommunication services	SB 133
public water rights, duties and reporting date extended	HB 104am
rate setting methods for children and youth services and education department	SB 140am
recreational mining in rivers, guidelines	HB 560am
regional refuse disposal districts	SB 98
retirement system benefits	HB 51am
group I cost of living adjustment	SB 148
group II, medical benefits extended	SB 141
Rockingham county superior court, new building; use of present building	SB 84
route I-393 to eastern NH turnpike, extended	SB 55am

Studies (cont.)

Salmon Falls Road in Rochester and Somersworth, reclassification.	SB 90
school administrative units	SB 156
school building aid formula	SB 67
securities, sales, escrow of certain funds.	HB 304am
senate reapportionment	SB 1am
Spaulding turnpike, Dover to Newington, environmental impact and preliminary design study not to include moving Dover toll plaza ...	SB 223
sport gender equity.	SB 85
state and federal mandates, task force to recommend modification or repeal	HB 603am
state offices utilizing NH hospital vacant space	HB 219
state police, tuition waived at state colleges.	SB 204
state revenue structure	SB 170
subsidized multi-family housing projects, sale, notice, town's right of first refusal	SB 164
technical institute and colleges, purchasing policies.	HB 271
transportation in the 21st century	HB 683
trauma care system, reporting date extended.	HB 162
uninsurables	HB 539
use of land and building purchased in downtown Concord.	HB 65am
.....	HB 785
waste tires, reuse	HB 750am

Sugar River , Claremont, waters reclassified	HB 560
---	--------

Sugden House , Odiorne state park, capital improvements appropriation extended.	SB 117
--	--------

Suncook , liquor store reopened.	SB 39
--	-------

Sunset law

industrial development authority	SB 80
legislative review of agencies and programs	SB 56
.....	SB 120
new state departments, divisions, and agencies temporary status; review	SB 48

Superior court

additional justices	SB 71
arbitration in domestic relations cases	HB 530
civil jurisdiction, damages claimed exceed \$1,500; jury trials.	HB 715
Coos county, capital improvements appropriation.	HB 35am
de novo hearings re juvenile delinquents, abused or neglected children, or CHINS removed	SB 198
fee schedule set by statute.	HB 592am
Hillsborough and Rockingham counties, capital improvements appropriation	HB 35
Hillsborough county, two clerks authorized	SB 70
Nashua, courthouse furnishings and security system, appropriation; bonds	SB 64
.....	SB 117
Rockingham county, new courthouse appropriation; bonds	SB 11
.....	SB 117
uses for present building; study	SB 84
witness and jury fees reduced	HB 65am
supplemental appropriation.	HB 50

Support

children electronic benefits disbursement system.	SB 128
payments made to human services division	HB 392
modification, substantial change or 3 years after last order	HB 406am
spousal, wage assignment.	HB 138

Supreme court

appeals juvenile delinquents, abused or neglected children, and CHINS	SB 198
preferred status to adoptions	SCR 3
priority to adoption decrees.	SB 104

Supreme court (cont.)

computer hardware and system development, appropriation; bonds	HB 25
Concord district court 1989 capital improvements appropriation extended	HB 35
fee schedule set by statute	HB 592am
judicial branch appropriation reduction	HB 25
opinion requested, constitutionality of limiting liability of governmental units in construction of streets and sidewalks	SR 6
preliminary design and construction documents for new Rockingham superior and probate courthouse	SB 11am
preliminary designs for new Rockingham county superior and probate courts, appropriation	SB 117

Sweepstakes commission

fiscal committee approval of new positions and consultants; transfer of funds	HB 25
funds transferred to other agencies	HB 50
revenue distribution method changed	SB 212

Swett, Richard, U.S. Representative from the Second N.H. Congressional

district, remarks	.802-803
-------------------------	----------

T**Task force**

congregate housing, strategy for accessing federal funds	HB 629
government operations	HB 65am
Laconia - I-93 connector highway, study	SB 60am
Manchester airport access, re-established	HB 393
state and federal mandates, recommendations for modification or repeal	HB 603am
study of interaction of criminal justice system with mental health system	SB 9
transportation in the 21st century	HB 683
voluntary agreements for reducing and recycling solid waste from newspapers, plastics, and packaging extended	HB 276am

Tax and land appeals board

eminent domain, condemnation, municipality considered condemnee for unpaid taxes	HB 513am
funds transferred to general services	HB 50
notified of date of final tax bill; statements of financial condition of various organizations filed with municipalities instead	HB 652
quorum	SB 180am
reassessment ordered, monitoring of appraisers by revenue administration	SB 117

Tax anticipation notes, mutual fund investments, exempt from

interest and dividends tax	SB 38
----------------------------------	-------

Tax collectors, voter registration**Tax sales, redemption by person with legal interest in the land****Taxes****abatement**

hearings and appeals process	SB 180am
person aggrieved eligible to file application; solicitation for gain prohibited	SB 200
response to application within 4 months	HB 625am
banks, credits, under business profits tax, application	HB 64am
business profits credits for job creation and capital expenditures	HB 64am
deductions, determining reasonable compensation	HB 378am
estimated payments, percentage rates changed	HB 593am
exemption for qualified business in enterprise zone	SB 217
Internal Revenue Code defined	HB 322am
requesting revenue administration to change its interpretation applying tax to sale or rental of personal residences	SR 11
cigarettes, decreased	HB 649am

Taxes (cont.)

- communications services
 - surcharge HB 40am
 - HB 64am
 - HB 336am
 - type of notice required HB 322am
 - SB 119
- credits, community development finance authority HB 619am
- exemptions
 - and tax credits, definitions HB 120
 - charitable defined HB 305
 - veterans, applicable April 1, 1990. HB 547
- income, interest and dividends, exemption for certain mutual funds SB 38
- inheritance
 - executor or administrator, administrative duties expanded; times of
 - payment changed; audits by revenue administration SB 208
 - increased HB 40am
- insurance premium, credits under business profits tax, application. HB 64am
- inventories or appraisals, administrative inspection warrants HB 385
- land use change fund, disposition, local option. HB 169am
- liens, redemption by person with legal interest in the land. HB 292
- manufactured housing on land of another, owner of housing liable HB 680
- meals and rooms
 - distribution of revenue SB 213
 - rate for biennium HB 64am
 - HB 336am
- medicaid
 - enhancement HB 1
 - enhancement, administrative fee used for preventive and protective
 - services for children SR 12
 - enhancement, urging Congress to place a moratorium on changes in
 - medicaid regulations to insure funding for 1992 and 1993 HJR 5
 - supplemental on patient discharges HB 75
- motor fuel, increased HB 660
- Newmarket, semi-annual collection, transitional provisions SB 109
- nuclear station property HB 64am
- public utility franchise, redefined; electric energy removed HB 64am
- rates set by cities and towns SB 201
- real estate transfer
 - exemption, transfer between spouses in divorce HB 322am
 - SB 119
 - rate for biennium HB 64am
 - HB 336am
- reassessments
 - monitored by revenue administration in certain circumstances HB 129
 - ordered by tax and land appeals board, appraisers monitored by
 - revenue administration SB 117
- running liens in lieu of, local option SB 44
- state
 - administration and enforcement by revenue administration;
 - taxpayer bill of rights HB 428
 - revenue structure, study SB 170
- timber
 - collected by county commissioners in unincorporated towns and
 - unorganized places HB 491
 - notice of intent to cut, dates effective. HB 65am
 - HB 709am
- tobacco
 - smokeless HB 353
 - stamps affixed in state SB 129
- Taxpayer bill of rights** HB 428
- Teachers**
 - retired before July 1, 1957, 10% cost of living adjustment SB 148
 - retirement system, minimum allowance SB 215
- Technical colleges and institute**
 - nonlapsing accounts SB 33
 - person donating equipment, liability limited HB 256

Technical colleges (cont.)

purchasing policies, study.....HB 271

Technical institute

capital improvements appropriation; 1988 bonding maturity dates
changed.....HB 35
dormitory, bonds, maturity dates.....SB 117

Telemarketing, automatic dialing devices, Congress urged to

develop unified standards or prohibit.....HCR 12

Telephone and telegraph companies

communications services tax
surcharge.....HB 40am
.....HB 64am
.....HB 336am
type of notice required.....SB 119
.....HB 322am
poles, recording licenses, town clerk's fee increased.....HB 746
underground utility damage prevention system; penalties.....SB 139am

Telephones

automatic dialing devices for solicitation purposes, Congress
urged to develop unified standards or to prohibit.....HCR 12
emergency 911 statewide system, study.....HB 106
resellers of telecommunication services exempt from PUC regulation.....SB 133
scam sales calls, registration and investigation
of complaints by justice department.....SB 105

Television

public, capital improvements appropriation.....HB 35
urging channel 8 to provide NH news coverage or allow another
station to broadcast from the summit of Mt. Washington.....HCR 8am

Terminal care document

name changed to living will; sustenance exception deleted.....HB 485
sustenance exception deleted; witnesses, designees of certain
officials.....SB 188

Tewksbury Pond, Grafton, petroleum powered motorboats prohibited.....HB 419

Thrift Supervision Office, name changed from Federal Home

Loan Bank Board.....SB 52

Tilton

exit 21 on I-93, construction appropriation; bonds.....SB 60
Northfield union school district, costs, how paid; allocation
of education funds, 1988 law repealed.....HB 142am

Timber

clearcutting regulated, study; notice of intent to cut, dates
effective.....HB 709am
cutting, bond required in certain cases.....HB 519
notice of intent to cut, dates effective.....HB 65am
tax, unincorporated towns and unorganized places, collected by county
commissioners.....HB 491

Tirrell house, capital improvements appropriation.....HB 35

Tobacco

products, sale to minors, penalties.....HB 696
smokeless, tax; use or possession of tobacco products
by minors prohibited.....HB 353am
tax stamps affixed in state.....SB 129

Towing personnel, unprotected exposure to infectious disease

suspected, notification to medical referral consultant.....SB 47

Town clerk

appointment of deputy.....HB 174
notice of licensing of employment offices to employment security
department repealed.....HB 757am
report to revenue administration of newly elected
officers; rulemaking.....SB 118
various filing fees increased.....HB 746

Town meeting

- procedures when official ballot not used; warrant articles, conformity
 - with enabling statute; question placed on warrant by selectmen . . . HB 340
- reconsideration votes restricted. HB 561
- special
 - capital reserve fund, establishment and expenditures HB 519
 - not held on biennial election day HB 532am
 - petition and warrant article, time for forwarding to revenue
 - administration changed HB 514
 - warrants, articles by petition, minimum signatures required. HB 243

Town treasurer

- deposits in public deposit investment pool administered by bank
 - commissioner. SB 102am
- distribution of village district taxes to district treasurer
 - annually or monthly. HB 551am
- funds invested in securities, collateral SB 83am
- voter registration. SB 184am

Towns

- abutters notified before vote to discontinue roads HB 676
- acceptance of gifts of personal property; expenditure
 - of appropriated funds HB 375
- administrative fee for excavating in wetlands increased HB 270
- central business districts, services expanded HB 619
- class IV and V highways reclassified to VI, requirements HB 168
- elections. See: Elections
- highways, insufficiency, notice; liability limited; weather hazards SB 151
- land use change tax fund, disposition; local option HB 169am
- local option charters. HB 579
- officials
 - administrative inspection warrants HB 385
 - enforcement of state environmental laws HB 751
- police officers, tuition waiver at state colleges SB 227
- political advertising, removal after election, fee HB 624
- public assistance
 - no cash payments. HB 65am
 - study HB 733
- recovery of costs for certain violations and crimes,
 - community service as alternative SB 166
- recreation and park services, revolving fund from fees and charges SB 134
- reimbursement for damage to livestock by dogs only if owner of dog
 - or insurance does not pay SB 115am
- representative town meeting form of government HB 386
- revenue returned from state, bills amending or repealing, "local" placed
 - after bill number. SB 15am
- running liens in lieu of taxes, local option SB 44
- state and federal mandates, task force to recommend
 - modification or repeal HB 603am
- streets named and numbers assigned by governing body HB 259
- tax rates set by SB 201
- trust funds, procedure for revocation HB 385

Transportation

- 21st century, task force HB 683
- alternative, in southern NH, study SB 222
- commissioner
 - appointment of scenic byways program coordinator HB 705
 - highways and bridges long-range construction program HB 784
- department
 - approval of administrative services lease purchase agreements for
 - district court facilities. HB 193am
 - HB 328
 - asbestos removal from state buildings, appropriation HB 25
 - capital improvements appropriation; various appropriations extended. HB 35
 - competitive bidding, responsible bidder defined. SB 138
 - Conway branch line rebuilding appropriation SB 162
 - excavating, maximum fee, service in lieu of portion of fee SB 117
 - SB 165am

Transportation (cont.)

department (cont.)

funds transferred to other agencies	HB 50
highway planning corridors	HB 700
Laconia - I-93 connector highway, appropriation; bonds	SB 60
Ledyard bridge, Hanover to Norwich, VT, environmental and engineering design studies; bonds	HB 448
low salt highway districts to protect public drinking water supplies	SB 86
Manchester airport access, preliminary designs and environmental impact; appropriation; bonds	HB 393
Plymouth bridge on route 175A, replacement appropriation; bonds	SB 54
public works bureau, expenditure in excess of budget estimate	SB 117
railroad properties on public waters leased to adjacent landowners for noncommercial use	HB 172
railroad rights of way and properties, state owned in fee simple absolute, reversionary rights extinguished	HB 137
Salmon Falls Road in Rochester and Somersworth, meeting on reclassification	SB 90
truck lane construction, route 2 in Jefferson, appropriation; bonds	SB 14
Warren bridge on route 25, high priority replacement	SB 55am
mass, limited to cities over 150,000, local option	HB 130

Trapping, steel leg traps prohibited

SB 169

Trauma care system, study, reporting date extended

HB 162

Treasurer, state

borrowing limit increased, repayment within one year	HB 669
investments, public deposit investment pool administered by bank commissioner	SB 102am
position transferred	HB 25

Trees

clearcutting regulated, study	HB 709
hunters building tree stands, observation blinds, or pit blinds, landowner's permission required	HB 710

Trials

jury, civil cases, damages claimed exceed \$1,500	HB 715
misdemeanor and civil, 6 member jury	CACR 11am

Trio Ponds dam, Odell, acquisition by land conservation

investment program	HB 515am
--------------------------	----------

Troopers Association, prior notification of introduction of

bills affecting retirement system	SB 207
---	--------

Trowbridge, Robert, nominated as temporary presiding officer

2

Trucks. See: Motor vehicles, trucks

Trust companies, conversions

HB 313

Trust funds

school districts, for specific purposes	HB 563
towns, procedure for revocation	HB 385

Trusts, investment

management; certification; tax treatment	SB 228am
payment of expenses; reservation of names	HB 65am

Tsongas, Paul, Presidential candidate, remarks

1552-1553

Turnpikes, toll

collection equipment; appropriation; system revenue bonds, amount increased; governor and council authority over expenditures	HB 324
rates, inequities, study	SB 168am

U

Underground storage tanks, funds transferred to general services

HB 50

Unemployment compensation, weekly benefits reduced; appeals procedure,
filing by mail, dates changed; employer's contribution rates changed;

services that qualify as employment changed	HB 768
---	--------

- Unfair insurance trade practices**
 claim settlements HB 414
 failure to pay for treatment by chiropractor SB 30
- Uniform commercial code, purchase money security interest,**
 time period for perfecting HB 103
- Uniform limited offering exemption from securities registration**
 and filing requirements HB 441
- Unincorporated towns, timber tax collected by county commissioners** HB 491
- United States**
 Congress
 districts reapportioned, study SB 2am
 urged to develop unified standards or prohibit automatic
 dialing devices HCR 12
 urged to enact national health program HCR 9
 urged to hold hearings on L-Tryptophan SCR 1
 urged to place a moratorium on changes in medicaid regulations
 to insure funding for 1992 and 1993 HJR 5
 Constitution
 petitioning Congress to submit a balanced budget amendment to
 the states HCR 2
 requesting Congress to propose an amendment prohibiting unfunded
 federal mandates HCR 10
 Forest Service, urged to provide access for the public,
 including disabled, to Flat Mountain Pond HJR 4
 government, former employees, service purchased and credited to NH
 retirement system; not creditable for eligibility for health
 benefits HB 161am
 Internal Revenue Code defined for business profits tax purposes HB 322
 SB 119
- University of NH**
 cooperative extension service urged to continue to work
 with the governor's commission on the 21st century HJR 3
 industrial technology research and innovation center SB 7
 system
 budget, classification SB 203
 budget, remarks by Sen. Blaisdell 219-220
 capital improvements appropriation; competitive bids; 1989
 appropriation extended HB 35
 lakes monitoring program, report HB 25
 permanent study commission, inactive balance transferred
 to joint legislative account SB 178
- Unorganized places, timber tax collected by county commissioners** HB 491
- Upper Jaffrey Road, reclassification** HB 168am
- Utility poles, recording licenses, town clerk's fee increased** HB 746

V

- Vacation travel promotion, appropriation nonlapsing;**
 supplemental appropriation HB 50am
- Vaccine purchase fund, public health services** SB 72am
- Veterans**
 bonus, Persian Gulf war, study SB 10
 cemetery, Pease Air Force Base HB 465
 clubs, alcoholic beverage license, minor allowed at certain times SB 206am
 home, building addition, capital improvements appropriation extended SB 117
 tax exemptions
 applicable April 1, 1990 HB 547
 changed to tax credit HB 120
- Victims bill of rights** HB 756
- Village districts**
 candidates, filing declaration, time limit removed HB 754
 distribution of taxes by town treasurer to district treasurer
 annually or monthly HB 551am

Village districts (cont.)

- recreation and park services, revolving fund from fees and charges SB 134
- special meetings, capital reserve funds, establishment and expenditures HB 519
- streets named and numbers assigned by governing body HB 259

Vital records, improvement fund; fees for copies increased; appointment of

- sub-registrars to issue burial and transit permits HB 65am

Vocational education

- regional, equipment and instruction program, revolving fund. SB 146
- tuition/transportation appropriation lapsed to general fund. HB 50

Vocational rehabilitation

- division, approval of personal care attendants and exclusive approval of independent living programs removed HB 531
- funds not used for catastrophic illness costs SB 74

Voluntary corporations. See: Corporations, voluntary**W****Wage assignment, spousal support HB 138****Warehouses, bonded, notice of license and qualifications,**

- publication in statewide newspaper HB 754

Warner River, and Lake Massasecum in Bradford, hydrologic study

- and field surveys SB 65

Warren, bridge on route 25, high priority replacement SB 55am**Washington Street bridge, Concord, removed from 10 year**

- construction plan. HB 553

Waste disposal

- regional districts, study SB 98
- revolving loan funds, repayment not governed by municipal finance act; authenticating certificate not required SB 78
- subsurface, funds transferred to general services HB 50
- systems, plan approvals recorded with register of deeds; fees; fund HB 745am

Waste management**division**

- approval of Plaistow solid waste district SB 226
- funds transferred to other agencies HB 50
- household hazardous waste cleanup, maximum amount of waste accepted, rulemaking SB 186
- infectious waste, rules for treatment HB 604
- permits for solid waste facilities, public benefits requirements HB 509
- hazardous, facility operator permit fees revised; purpose and use of cleanup fund HB 262am
- motor vehicle waste redefined HB 257
- solid waste facilities, certain districts exempt from application fees SB 122am

Waste tires, reuse, study HB 750am**Water****drinking, law enforcement by local officials, notification of attorney**

- general and environmental services commissioner HB 751am

oil pollution control fund and oil discharge and disposal cleanup

- fund, interest credited to general fund until July 1, 1991. HB 50

pollution control

- grants, capital improvements appropriation. HB 35
- revolving loan fund; bonds HB 50am
- revolving loan fund, repayment not governed by municipal finance act; authenticating certificate not required SB 78
- state aid grants, appropriation; bonds. HB 25
- state guarantee increased SB 78am
- registered users reporting to water resources division, continued use authorized; changes; hearings; rulemaking SB 136
- resources division, report on reorganization SB 114
- rights, Dover from Bellamy River SB 187

Water (cont.)

- supply and pollution control
 - funds transferred to general services HB 50
 - groundwater protection act SB 126
 - sewage disposal systems recorded with register of deeds, fees HB 745am
 - sewerage system plans and specifications, fees HB 493
- systems, public, fees changed; publicly owned systems
 - exempt from fees HB 780am
- treatment equipment installers, licensed as pump installers SB 116
- treatment plant operators, fee to continually appropriated fund;
 - use by WSPCD; educational requirements HB 780am

Watercraft safety, funds transferred to general services HB 50

Waters

- classification standards changed; various rivers, classification
 - changed HB 560
- oil spillage or discharge, cleanup authority; liability;
 - enforcement HB 565am
- public
 - drinking, supplies protected by low salt highway districts SB 86
 - railroad properties on, leased to adjacent landowners for
 - noncommercial use HB 172
 - rights, study, duties and reporting date extended; registered
 - users, modification of use HB 104am
 - shoreland protection; development near rivers, study HB 443am

Wave runner defined as ski craft SB 63

Weights and measures

- bulk commodities, vendor to keep copy of invoice and original
 - weight ticket HB 447
- technical changes for consistency and conformance with federal
 - standards HB 117

Wells

- protective radii, regulations; overlap of boundary
 - lines; cluster developments HB 111am
- water treatment equipment installers licensed as pump installers SB 116

Wetlands

- board
 - composition changed HB 458
 - excavating application fee for transportation department, service
 - in lieu of portion SB 117
 - excavating, maximum permit fee for transportation department;
 - services in lieu of portion SB 165am
 - fees and permits for recreational mining in rivers prohibited HB 443am
 - fees and permits for recreational mining in rivers prohibited
 - during study, guidelines HB 560am
 - notice time from local conservation commissions extended HB 459
- excavating, administrative fee to towns increased;
 - additional permit application requirements HB 270
- law enforcement by local officials, notification of attorney
 - general and environmental services commissioner HB 751am

Weyland, Joy, 1991 William Randolph Hearst Foundation U.S. Senate Youth Program representative, res honoring 1130-1131

White, General Isaac Davis, US route 202, Peterborough to MA, named for HB 253

Whitefield, Mt. Washington regional airport, 1989 appropriation redesignated and extended HB 688

WIC program, funds transferred to general services HB 50

Wiggin, Richard H., elected sergeant-at-arms 10-11

Wildflower, state, pink lady's slipper SB 40

Wildlife, northeast conservation law enforcement compact HB 362

Wills, executors and trustees, probate judges discretion to require bonds HB 269

Wines, domestic, defined; NH products, percentage blend approved by liquor commission	SB 123am
Winnepesaukee River basin pollution control	
capital improvements appropriation	HB 35am
funds transferred to general services	HB 50
Winnisquam regional school district meeting legalized	HB 142am
Witnesses, fees reduced	HB 65am
Women	
gender equity in sports, study	SB 85
infants, and children (WIC) program, funds transferred to general services	HB 50
low income, access to prenatal care, appropriation	SB 177
pregnant, warning of risk of birth defects at establishments selling alcoholic beverages	HB 299
Women in Military Service for America Memorial Foundation, Inc., donations encouraged; appropriation	SB 144am
Wood ash, exception from river set back requirements, application as fertilizer	HB 674am
to farmland	HB 402am
Workers' compensation	
civil penalties deposited in general fund	HB 65am
police, cardiovascular disease and certain cancers presumed occupationally related	SB 77
violations by bidders on construction contracts, damages; tort immunity for self-insured pools; compensation appeals board, membership increased	HB 607am
Wreckers, towing personnel, unprotected exposure to infectious disease suspected, notification to medical referral consultant	SB 47
Wrongful death, damages, elements to be considered; limitation increased ...	SB 81

Y

Youth development center, capital improvements appropriation	HB 35
---	-------

Z

Zeliff, William, U.S. Representative from the first N.H. Congressional district, remarks	608-609
Zoning	
boards of adjustment, elected, alternate members appointed	SB 49am
local land use violations, district court jurisdiction; citations; pleas by mail	HB 595
nonresidential or nonrural, within 2,000 feet of residential or rural land in adjoining municipality, approval from that municipality required	SB 53
ordinances	
and amendments, cease and desist orders for violations	HB 523
child care in public and private sector buildings encouraged, study extended	HB 711
impact fees imposed on development	HB 391
innovative land use controls, planning board decisions appealed to superior court	HB 385
proposed, not applicable to plats or applications already accepted by planning board	HB 577
powers, commercial and recreational fisheries not discouraged by	HB 559

SENATE JOURNAL

NUMERICAL INDEX

This index, arranged by bill and resolution number, gives page numbers for all action in the Senate on each numbered bill and resolution. They are listed in the following order:

SB	Senate Bills
SCR	Senate Concurrent Resolutions
SR	Senate Resolutions
HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately preceding this Numerical Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index.

adop	adopted
am	amended, amendment
Capital Budget	referred to Capital Budget committee
Com	re-referred to committee
conc	concurred
conf	conference committee
enr	enrolled
Finance	referred to Finance committee
H	House
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rep	report
req	request, requested
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn, withdrew, withdrawal

SENATE BILLS

- SB 1**, reapportioning the state senate districts. (Dupont and Rep Burns of Coos 5 - To Redistricting Committee)
New title: relative to the senate committee which is to study redistricting state senate districts.
 38, SO 677, am (RC) 701-716, remarks 796-797, psd 797, remarks 898-899, H conc 1061, enr 1093 (Chapter 101)
- SB 2**, reapportioning the New Hampshire congressional districts. (Dupont and Rep. Burns of Coos 5 - To Redistricting Committee)
New title: relative to the senate committee which is to study redistricting congressional districts.
 38, SO 677, am 716-719, psd 797, H conc 1062, enr 1093 (Chapter 102)
- SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor. (Dupont and Rep. Frechette of Str. 8 - To Capital Budget)
 38, am 758, psd 797, H conc 1203, enr am 1626, enr 2082 (Chapter 255)
- SB 4-FN-A**, relative to the port of New Hampshire Port Authority and making an appropriation therefor. (Dupont et al - To Economic Development)
First new title: establishing a committee to study the New Hampshire state port authority.
Second new title: establishing a committee to study the New Hampshire state port authority and relative to international trade.
 38, am 595-596, psd 693, conc H am 1087, enr 1140 (Chapter 145)
- SB 5-FN**, relative to Skyhaven airport. (Dupont and Rep. Frechette of Str. 8 - To Transportation)
 38, am 407-408, psd 428, H conc 1203, enr 1623 (Chapter 256)
- SB 6-FN**, relative to the Pease development authority. (Dupont and Cohen- To Executive Departments)
 38, K 611
- SB 7-FN-A**, relative to an industrial research center at the University of New Hampshire and making an appropriation therefor. (Dupont et al - To Economic Development)
 38, Finance 596-605, am 772-774, psd 798, conc H am 1201-1202, enr 1623 (Chapter 211)
- SB 8-FN**, terminating the New Hampshire Higher Educational and Health Facilities Authority and transferring its duties, powers and responsibilities to the New Hampshire housing finance authority. (Podles - To Banks)
 92, K 362-363
- SB 9-FN**, relative to a study of interactions between the mental health and criminal justice systems. (Dupont - To Judiciary)
 92, am 511-512, psd 540, conc H am 1147, enr 2081 (Chapter 212)
- SB 10-FN**, establishing a study committee on bonuses for veterans who served in the Persian Gulf. (Blaisdell et al - To Finance)
New title: establishing a study committee on bonuses for veterans who served during the Persian Gulf crisis.
 802, am 1102-1105, psd 1122, conc H am 1436, enr 1663 (Chapter 257)
- SB 11-A**, appropriating funds for a new courthouse in Rockingham county. (Hollingworth et al - To Capital Budget)
 38, am 324-325, psd 427, H conc 1203, enr 2162 (Chapter 258)
- SB 12-FN-A**, relative to school building aid and making an appropriation therefor. (Hough and Blaisdell - To Finance)
 38, K 774
- SB 13**, relative to transferring funds between and among line items in the postsecondary technical education department. (Blaisdell and Hough - To Finance)
 39, am 774-775, psd 798, H conc 1062, enr 1123 (Chapter 118)

- SB 14-A**, relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor. (Oleson et al - To Transportation)
39, am & Capital Budget 77-78, psd 325-326, 428, H conc 1203, enr 1623 (Chapter 259)
- SB 15**, relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state. (J. King et al - To Ways and Means)
New title: relative to special identification of legislation that may have an impact on local expenditures or requires the state to forward all or part of any designated revenues to cities or towns and relative to mileage payments to members of the legislative ethics committee.
39, am (RC) 81-82, psd 90, conc H am 1002-1003, enr 1093 (Chapter 103)
- SB 16-FN**, relative to the board of dental examiners. (Blaisdell and Hough - To Executive Departments)
39, am 301-307, psd 318, H Com 1204
- SB 17**, relative to disclosure of transaction charges for use of automated teller machines. (Roberge et al - To Banks)
39, K 93
- SB 18-FN-A**, relative to the conservation corps program and making an appropriation therefor. (McLane et al - To Wildlife and Recreation)
39, am & Finance 255-256, am 775-776, psd 798, H Com 1205
- SB 19-FN**, establishing penalties and fines for use of blue lights by any person other than a certified police officer. (Nelson et al - To Executive Departments)
New title: establishing penalties and fines for use of blue lights by any person other than a law enforcement officer.
39, am 85-88, psd 91, conc H am 1095, enr 1444 (Chapter 172)
- SB 20-FN**, relative to licensing nutritionists and dietitians. (Currier et al - To Executive Departments)
New title: establishing a committee to study the licensure of dietitians and nutritionists.
39, am 307-309, psd 318, H nonconc 1204
- SB 21**, establishing a commission to study and recommend the elimination of state-mandated programs. (Heath and Colantuono - To Executive Departments)
39, am 227-228, psd 264, H Com 1061
- SB 22**, relative to changes in reimbursement requirements for psychologists. (Nelson - To Insurance)
New title: relative to changes in requirements for psychologists.
39, psd 58, 91, nonconc H am, conf 1238, 1435, rep adop 2196, enr 2238 (Chapter 343)
- SB 23-FN**, relative to juvenile delinquents on conditional release. (Roberge et al - To Judiciary)
40, K 111
- SB 24**, relative to revising the administrative procedure act. (Bass - To Executive Departments)
40, am 309-313, psd 318, H conc 1062, enr 1123 (Chapter 119)
- SB 25-FN**, relative to obtaining out-of-state driving records. (Currier and Heath - To Transportation)
40, psd 79, 91, H conc 1062, enr 1094 (Chapter 104)
- SB 26-FN**, relative to licenses to carry firearms. (Hollingworth - To Judiciary)
40, am 379-381, psd 428, H nonconc 958
- SB 27-FN**, establishing minimum mandatory sentences of imprisonment for assault crimes where the victim is a law enforcement officer. (Nelson and Heath - To Judiciary)
New title: relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer.
40, am 280-282, psd 300, H Com 1435

- SB 28-FN**, relative to promoting New Hampshire businesses and products internationally. (W. King et al - To Economic Development)
New title: relative to promoting New Hampshire businesses and products internationally and continually appropriating a fund for international trade promotion.
 40, am & Finance 157-160, psd 776, 798, H conc 1203, enr am 1624-1625, enr 2081 (Chapter 260)
- SB 29-FN-A**, establishing a legislative ethics committee and making an appropriation therefor. (Bass et al - To Public Affairs)
New title: establishing a legislative ethics committee.
 40, am & rcmt 72-75, am (RC) 114-122, psd 154, H conc 874, enr am 1086, enr 1093 (Chapter 105)
- SB 30-FN**, relative to insurance coverage for and unfair claim settlement practices concerning chiropractic treatment. (Colantuono et al - To Insurance)
 40, rcmt 58-59, K 551
- SB 31-FN-A**, recodifying the laws relative to real estate brokers and salespersons and making an appropriation therefor. (St. Jean - To Executive Departments)
 40, K 228
- SB 32-FN**, requiring certain motorists to post a credit card deposit for traffic violations. (Bass - To Transportation)
New title: permitting district and municipal courts to accept payment of fines by credit card.
 40, am 408-410, psd 428, conc H am 1148, enr 1446 (Chapter 201)
- SB 33-FN**, relative to establishing a nonlapsing account for the New Hampshire technical institute and vocational technical colleges and creating the position of director of financial management. (Dupont - To Education)
 40, am & Finance 269-270, psd 776, 798, H conc 1146, enr 1444 (Chapter 173)
- SB 34-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Humphrey - To Judiciary)
 40, rcmt 111-113, K(2 RC's) 189-209
- SB 35-FN**, requiring the legislative budget assistant to identify and make available for inspection a list of certain state-mandated programs. (Humphrey - To Executive Departments)
 41, K 313
- SB 36-FN-A**, relative to special education and making an appropriation therefor. (Hough - To Education)
 41, K 610
- SB 37**, relative to amending provisions of the voluntary corporation statute. (Dupont - To Judiciary)
 41, am 160-162, psd 181, conc H am 1240, enr 2081 (Chapter 261)
- SB 38-FN-A**, exempting interest earned by investors in certain mutual funds from the interest and dividend tax. (Currier - To Banks)
New title: exempting dividends earned by investors in certain mutual funds from the interest and dividend tax.
 41, psd 363, 428, conc H am 2084, enr 2237 (Chapter 297)
- SB 39-FN**, relative to reopening liquor stores. (W. King and Pressly - To Ways and Means)
 41, am & Finance 682-684, psd 776-777, 798, H nonconc 958
- SB 40**, making the pink lady's slipper the state wildflower. (McLane et al - To Environment)
 41, psd 57-58, 91, H conc 958, enr 1006 (Chapter 106)
- SB 41-A**, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor. (Fraser et al - To Capital Budget)
New title: relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees.
 41, LT 592, am 673-677, psd 693, H conc 1203, enr 2162 (Chapter 262)

- SB 42-FN**, relative to the board of podiatry. (Blaisdell - To Executive Departments)
New title: relative to the board of podiatry, the board of registration in medicine, emergency medical technicians, and the possession of non-controlled prescription drugs for emergency use.
 41, LT 313-314, am 943-945, psd 955, nonconc H am, conf 1561, LT 2196-2198, rep adop 2270-2271, enr am 2324, enr 2338 (Chapter 382)
- SB 43-FN**, establishing a committee to study utilization review and managed care. (Blaisdell - To Public Institutions, Health and Human Services)
New title: establishing a committee to study utilization and management review and managed care.
 41, am 130-131, psd 154, conc H am 1147-1148, enr 1444 (Chapter 174)
- SB 44**, permitting municipalities to acquire running liens on property of property owners owing back taxes. (Heath - To Public Affairs)
 41, LT 75-76, K 954
- SB 45-FN**, relative to bail jumping. (Heath et al - To Judiciary)
 41, study 512-521
- SB 46**, relative to placing political signs along state highways. (Heath - To Executive Departments)
 41, K 228-229
- SB 47**, relative to emergency response personnel. (St. Jean - To Public Affairs)
 41, psd 76, 91, conc H am 1147, enr 1445 (Chapter 175)
- SB 48-FN**, requiring a temporary tenure for new departments, agencies or divisions. (J. King - To Executive Departments)
 41, K 314
- SB 49**, relative to electing alternate zoning board of adjustment members. (W. King - To Public Affairs)
New title: relative to alternate zoning board of adjustment members.
 42, am 76-77, psd 91, H conc 1146, enr 1424 (Chapter 176)
- SB 50**, relative to removal of motor vehicle registrations. (Roberge and Rep. Spencer of Str. 4 - To Judiciary)
 42, K 381
- SB 51**, relative to motor vehicle license revocation. (Roberge and Rep. Jasper of Hil. 19 - To Transportation)
 42, K 144
- SB 52**, changing the name of the Federal Home Loan Bank Board to the Office of Thrift Supervision. (Fraser - To Banks)
 42, am 363-366, psd 428, H conc 958, enr 1006 (Chapter 107)
- SB 53-FN**, relative to nonresidential and nonrural zoning. (Colantuono - To Executive Departments)
 42, K 501
- SB 54-A**, relative to replacing the Plymouth Bridge on New Hampshire Route 175A in Plymouth and making an appropriation therefor. (W. King - To Transportation)
 42, Capital Budget 79-81, LT 758-759, K 945-946
- SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25 and making an appropriation therefor. (W. King et al - To Transportation)
First new title: relative to replacing the Warren bridge on New Hampshire route 25.
Second new title: relative to replacing the Warren Bridge on New Hampshire Route 25 and extending the deadline for completion of a study.
 42, am & Capital Budget 144-148, remarks 153-154, am 592-593, psd 694, conc H am 1435-1436, enr am 1625, enr 2082 (Chapter 263)
- SB 56-FN**, relative to sunset laws. (W. King et al - To Executive Departments)
 42, K 314

- SB 57-FN**, relative to the review of New Hampshire corporate laws. (W. King et al - To Economic Development)
42, psd 605-606, 694, conc H am 1202, enr am 1625-1626, enr 2082 (Chapter 264)
- SB 58**, relative to licenses for games of chance. (Nelson and Rep. Gagnon of Hil. 29 - To Ways and Means)
42, K 82-83
- SB 59-FN**, relative to a state-sponsored credit card program. (W. King and Disnard - To Banks)
42, rcmt 367, am 545-546, psd 588, H nonconc 1204
- SB 60-A**, relative to the Laconia - I-93 connector highway and making an appropriation therefor. (Fraser et al - To Capital Budget)
New title: creating a task force to study the Laconia - I-93 connector highway.
42, rcmt 759, am 835-836, psd 870, H Com 1205
- SB 61-FN**, relative to speedy payments for the care of children in foster homes. (W. King and Disnard - To Public Institutions, Health and Human Services)
42, rcmt 131-137, am 240-243, psd 264, conc H am 1240, enr 1623 (Chapter 265)
- SB 62-FN**, relative to licensure of athletic trainers. (Currier - To Executive Departments)
42, Finance (RC) 229-237, am 777, psd 798, H Com 1145
- SB 63-FN**, relative to the definition of ski craft. (McLane - To Wildlife and Recreation)
42, LT 529-530, K 744-745
- SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor. (Nelson - To Capital Budget)
43, am 93-100, psd 154, H conc 1203, enr 1445 (Chapter 177)
- SB 65-FN-A**, relative to Lake Massasecum and the Warner River in the town of Bradford and making an appropriation therefor. (Currier - To Environment)
43, study 489
- SB 66**, relative to durable power of attorney for health care. (McLane et al - To Public Institutions, Health and Human Services)
43, LT 243, remarks 263, am (RC) 719-742, psd 797, H conc 1062, enr 1143 (Chapter 146)
- SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula. (Hough - To Education)
43, am 326-327, psd 428, H conc 1434, enr 1623 (Chapter 266)
- SB 68-FN**, relative to the transportation of animals in open trucks. (Roberge et al - To Transportation)
43, am 213-214, psd 221, H nonconc 1061
- SB 69-FN**, relative to certification of professional counselors. (W. King and Rep. King of Hil. 43 - To Executive Departments)
43, am & Finance 372-375, psd 777-778, 798, H nonconc 1145
- SB 70-FN**, relative to superior court clerks for Hillsborough county. (Nelson et al - To Internal Affairs)
43, LT 652-653, am 745-747, psd 797, H conc 1062, enr 1140 (Chapter 147)
- SB 71-FN-A**, relative to superior court justices and making an appropriation therefor. (Nelson et al - To Internal Affairs)
New title: relative to superior court justices.
43, Finance 653, am 778, psd 798, H conc 1203, enr 1446 (Chapter 202)
- SB 72-FN-A**, relative to certain vaccines for children and making an appropriation therefor. (Hollingworth et al - To Public Institutions, Health and Human Services)
New title: establishing and continually appropriating a fund for the purchase of vaccines.
43, Finance 137-144, am 778-780, psd 798, H conc 1203, enr 2237 (Chapter 280)

- SB 73-FN**, relative to motor vehicle plates and registrations. (Heath et al - To Transportation)
44, com changed 178, K 381-384
- SB 74-FN**, relative to catastrophic illness care costs. (Nelson et al - To Public Institutions, Health and Human Services)
New title: establishing a committee to study the use of funds appropriated for catastrophic illness care.
44, am 388-389, psd 428, H conc 1203, enr 1445 (Chapter 178)
- SB 75**, relative to bargaining rights for state employees. (Currier et al - To Executive Departments)
44, am (RC) 502-507, psd 540, H nonconc 1204
- SB 76**, relative to the age requirement for retirement communities. (Pressly et al - To Public Affairs)
44, am 521-522, psd 540, H Com 1205
- SB 77-FN**, creating a presumption that cardiovascular disease and certain cancers in police officers are occupationally related. (St. Jean - To Insurance)
44, K 59-60
- SB 78-FN**, relative to loans to municipalities from state revolving loan funds. (St. Jean and Rep. Domaingue of Hil. 42 - To Banks)
New title: relative to loans to municipalities from state revolving loan funds and relative to the state guarantee for the elimination of pollution from public waters.
44, am 182-183, psd 221, conc H am 1146, enr 1445 (Chapter 179)
- SB 79-FN**, establishing a committee to study an expedited permit process for environmental permits. (W. King et al - To Economic Development)
44, psd 606, 694, H conc 1203, enr 1445 (Chapter 180)
- SB 80-FN**, relative to sunset review of the industrial development authority. (Cohen et al - To Economic Development)
44, K 606
- SB 81**, relative to damages for wrongful death. (Hollingworth et al - To Judiciary)
44, am (RC) 282-288, psd 300, H Com 1061
- SB 82**, relative to powers of directors, officers, and trustees of health service corporations. (Roberge - To Judiciary)
44, psd 113-114, 154, H conc 1062, enr 1123 (Chapter 120)
- SB 83**, relative to the investment of public funds. (Delahunty et al - To Banks)
44, am 155-157, psd 181, conc H am 1435, enr am 2313-2321, 2338 (Chapter 383)
- SB 84-FN**, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building. (Hollingworth et al - To Capital Budget)
44, K 280
- SB 85-FN**, relative to women's sports. (Hollingworth and Rep. McGovern of Rock. 27 - To Public Affairs)
45, am 209-210, psd 221, conc H am 1240, enr 2162 (Chapter 267)
- SB 86-FN**, to create low salt districts within the state highway system. (Pressly et al - To Transportation)
45, psd 246, 264, H nonconc 1204
- SB 87-FN**, relative to replacement employees. (Pressly and Rep. Lefebvre of Hil. 29 - To Insurance)
45, am 377-378, psd 428, H conc 1203, enr 1445 (Chapter 181)
- SB 88**, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. (Pressly et al - To Public Affairs)
45, K 164

- SB 89**, relative to cooperative school district planning committees. (Oleson - To Education)
New title: relative to school district planning committees.
45, am 237, psd 428, H conc 1146, enr 1143 (Chapter 148)
- SB 90-FN**, relative to the Salmon Falls Road in the cities of Somersworth and Rochester.
(Dupont and Rep. Frechette of Str. 8 - To Transportation)
45, Finance 147-148, psd 780, 798, H conc 1203, enr 1445 (Chapter 182)
- SB 91**, relative to the disclosure of discoverable materials in product liability actions. (Cohen and Rep. Green of Hil. 36 - To Judiciary)
45, am 384-385, psd 428, H nonconc 1061
- SB 92**, relative to collateral on personal guarantees of business loans. (Podles and Rep. Emerton of Hil. 6 - To Banks)
45, K 183
- SB 93**, relative to arraignments of juvenile delinquents. (Roberge and Rep. McCain of Rock. 11 - To Judiciary)
45, K 238
- SB 94**, relative to confidentiality in child abuse and neglect cases. (Podles - to Judiciary)
45, K 238-239
- SB 95-FN**, relative to parole of delinquents. (Roberge and Rep. McCain of Rock. 11 - To Judiciary)
45, K 385-386
- SB 96**, relative to adoption. (Podles - To Judiciary)
45, psd 114, 154, H conc 1147, enr 1424 (Chapter 183)
- SB 97**, relative to administrative rules and state mandates. (Currier - To Executive Departments)
45, psd 237-238, 264, nonconc H am, conf 1238-1239, 1435, rep adop 2271-2272, enr 2338 (Chapter 384)
- SB 98-FN**, relative to a review of RSA 53-B, regional refuse disposal districts. (W. King - To Environment)
45, K 100
- SB 99-FN**, establishing a committee to study how the state of New Hampshire operates and finances public education. (McLane - To Education)
45, K 328
- SB 100-FN**, relative to simulcast wagering. (Blaisdell - To Ways and Means)
46, am 172-176, psd 181, nonconc H am, conf 1003, 1018, rep adop 1138-1139, enr 1140 (Chapter 68)
- SB 101-FN**, establishing a study committee relative to the industrial development authority. (Dupont - To Economic Development)
46, psd 606-607, 694, H conc 1147, enr 1197 (Chapter 149)
- SB 102-FN**, authorizing the municipal bond bank to establish and administer combined investment funds. (Currier et al - To Banks)
New title: authorizing the bank commissioner to establish and administer a public deposit investment pool.
46, am 479-489, psd 540, H conc 1203, enr am 2073, enr 2081 (Chapter 268)
- SB 103-FN**, relative to parental choice in education. (Humphrey - To Education)
46, K (2 RC's) 332-354
- SB 104**, relative to appeal of adoption decrees. (Podles - To Judiciary)
46, K 239
- SB 105-FN**, relative to scam telephone sales calls. (Pressly and Rep. Wright of Hil. 18 - To Judiciary)
46, K 386

- SB 106-FN**, relative to anatomical gifts. (Pressly et al - To Transportation)
46, psd 214-216, 221, H conc 1062, enr 1094 (Chapter 108)
- SB 107**, relative to tenants' security deposit. (Pressly and Rep. Wright of Hil. 18 - To Public Affairs)
46, am 664-665, psd 694, H Com 1205
- SB 108-FN**, relative to the definition of bulk power supply facilities. (Colantuono and Cohen - To Public Affairs)
46, K 388
- SB 109-FN**, relative to the date for the collection of taxes in the town of Newmarket. (Hollingworth et al - To Public Affairs)
New title: relative to the time for holding the 1991 Newmarket town meeting.
46, am 551-552, psd 588, H conc 1062, enr 1123 (Chapter 121)
- SB 110-FN**, relative to protection of first amendment rights of students. (Cohen - To Education)
46, psd 329-332, 428, H nonconc 1434
- SB 111-FN**, establishing an advisory committee on economic development. (W. King et al - To Economic Development)
46, K 607
- SB 112-FN**, relative to license plates for firefighters. (Currier and Rep. Elliot of Hil. 2 - To Transportation)
46, LT 216-217, am 261-263, psd 264, H nonconc 1061
- SB 113-FN**, relative to justification of the use of physical force as a defense in actions alleging the abuse or neglect of a child. (Podles - To Judiciary)
46, K 386
- SB 114-FN**, requiring a report on certain water laws. (Bass - To Environment)
47, am 371-372, psd 428, H conc 1204, enr 1445 (Chapter 184)
- SB 115-FN**, relative to livestock. (Dupont - To Public Affairs)
New title: relative to injuries done by dogs.
47, rcmt 288, am 552-554, psd 588, conc H am 1241, enr 2081 (Chapter 213)
- SB 116-FN**, requiring installers of water treatment equipment to be licensed as pump installers. (Currier - To Executive Departments)
47, K 549
- SB 117-FN-A**, relative to expenditures by the public works bureau, extending certain lapse dates, making adjustments to certain bond authorizations, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property, class AA dams, and the port authority, and making an appropriation therefor. (Blaisdell et al - To Capital Budget)
New title: relative to expenditures by the public works bureau, extending certain lapse dates, making adjustments to certain bond authorizations, making certain appropriations, relative to the port authority, and making an appropriation therefor.
47, am 759-764, psd 797, H nonconc 1061
- SB 118-FN**, relative to the department of revenue administration. (Currier - To Ways and Means)
47, psd 83, 91, conc H am 1202, enr 1623 (Chapter 269)
- SB 119-FN**, relative to the business profits tax, the real estate transfer tax, and the communications services tax. (Blaisdell and Hough - to Ways and Means)
47, psd 84-85, 91, H nonconc 1664
- SB 120-FN-A**, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor. (J. King - To Executive Departments)
47, am & Finance 611-624, psd 780, 798, H Com 1145
- SB 121-FN**, relative to operating a motor vehicle under the influence of drugs. (Roberge et al - To Transportation)
47, K 255

- SB 122-FN**, exempting towns from the solid waste facility application fee. (W. King et al - To Environment)
New title: exempting certain solid waste districts from application fees.
 47, am 610-611, psd 694, H conc 1204, enr 1445 (Chapter 185)
- SB 123-FN**, relative to the wine industry of New Hampshire. (Currier - To Ways and Means)
 47, LT 424, am 742-744, psd 797, H conc 1062, enr 1093 (Chapter 109)
- SB 124-FN**, to reinstate the state committee for mosquito control. (Cohen - To Environment)
 47, K 226-227
- SB 125-FN**, relative to child abuse and neglect proceedings. (Podles - To Public Institutions, Health and Human Services)
 47, am 389-390, psd 428, conc H am 1241, enr 1623 (Chapter 214)
- SB 126-FN**, relative to groundwater classification. (Russman and Rep. Conroy of Rock. 7 - To Environment)
 47, am & Finance 489-494, psd 780-781, 798, conc H am 1436, enr am 2230, enr 2239 (Chapter 344)
- SB 127-FN**, relative to removing vegetation obstructing advertising devices and planting lilac bushes. (Heath et al - To Transportation)
 48, Finance 246-254, remarks 263, am 781-782, psd 798, H nonconc 958
- SB 128-FN-A**, relative to the development of an electronic benefit transfer system and making an appropriation therefor. (Dupont - To Public Institutions, Health and Human Services)
 48, Finance 243-244, psd 782, 798, H conc 1204, enr 1445 (Chapter 186)
- SB 129-FN**, requiring that all cigarettes be tax-stamped within the state and establishing a study committee on sale and distribution of cigarettes. (Heath - To Ways and Means)
New title: establishing a study committee on sale and distribution of cigarettes.
 48, am 176-178, psd 182, H nonconc 1664
- SB 130**, relative to certain real property received from drug forfeitures to the state. (Heath - To Wildlife and Recreation)
 48, rcmt 257-258, K 954
- SB 131-FN**, relative to choice in education. (Heath - To Education)
 48, study (2 RC's) 354-357
- SB 132-FN**, relative to monitoring licensed nuclear power plants. (Hollingworth et al - To Public Affairs)
New title: establishing a committee to study an early warning system for monitoring licensed nuclear power plants.
 48, am 558-562, psd 588, H nonconc 1146
- SB 133**, relative to resellers of telecommunication services. (Cohen and Dupont - To Executive Departments)
 48, study 314
- SB 134-FN**, relative to a public recreation revolving fund. (W. King et al - To Wildlife and Recreation)
 48, am 258-260, psd 264, H nonconc 1146
- SB 135-FN**, relative to recovering costs, fees, and expenses in certain takeovers of utilities. (Russman et al - To Executive Departments)
 48, am 507-508, psd 540, H conc 1147, enr 1143 (Chapter 150)
- SB 136-FN**, authorizing water users registered and reporting their use to the division of water resources, department of environmental services, to continue such use. (Currier - To Environment)
 48, K 100
- SB 137-FN**, relative to the Pease development authority. (Shaheen et al - To Executive Departments)
 48, LT 624-643, K (RC) 667-673, remarks 859-860

- SB 138-FN**, relative to defining the term "responsible bidder" for the purpose of certain capital projects. (Shaheen et al - To Capital Budget)
New title: establishing a committee to study the bidding process on state construction projects.
 48, am 593-595, psd 694, H nonconc 1434
- SB 139-FN**, relative to preventing damage to aboveground utility installations. (Currier - To Executive Departments)
New title: relative to preventing damage to underground utility installations.
 49, am 316-317, psd 319, H conc 1147, enr 1197 (Chapter 151)
- SB 140-FN**, relative to rate setting by the division for children and youth services and by the department of education. (Blaisdell - To Public Institutions, Health and Human Services)
New title: establishing a committee to study rate setting for certain services, placements, and programs.
 49, am 244-246, psd 264, conc H am 1241, enr 1623, veto sustained (RC) 2325-2328
- SB 141-FN**, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988. (Nelson - To Insurance)
New title: to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988.
 49, am & Finance 60-66, study 782-783
- SB 142-FN**, relative to temporary utility rate increases. (Colantuono - To Executive Departments)
 49, study 508
- SB 143**, extending time limits for condominium projects. (J. King - To Public Affairs)
 49, am 122-129, psd 154, conc H am 1004, enr 1093 (Chapter 110)
- SB 144-FN-A**, relative to the Women's War Memorial and making an appropriation therefor. (Oleson - To Public Affairs)
 49, am & Finance 165-172, am 783-784, psd 798, H conc 958, enr am 1138, enr 1143 (Chapter 152)
- SB 145-FN-A**, establishing a New Hampshire small business mini-loan program and making an appropriation therefor. (W. King et al - To Economic Development)
 49, K 607-608
- SB 146**, relative to equipment and instruction programs and revolving funds for regional vocational centers. (Dupont et al - To Education)
 49, am 358-359, psd 428, H conc 1147, enr 1424 (Chapter 187)
- SB 147-FN**, relative to foundation aid levels. (Nelson et al - To Education)
 49, K 224-225
- SB 148-FN**, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Blaisdell et al - To Insurance)
 49, Finance 66-72, study 784
- SB 149-FN-A**, relative to reimbursing a certain school cooperative for certain expenses and making an appropriation therefor. (Pressly and Rep. Hanselman of Hil. 17 - To Finance)
New title: relative to reimbursing certain school cooperatives for certain expenses and making an appropriation therefor.
 49, psd 102, 155, conc H am 1201, enr 1445 (Chapter 188)
- SB 150**, relative to partnerships and relative to foreclosures. (St. Jean - To Banks)
 49, am 183-185, psd 221, conc H am 1148, enr 1446 (Chapter 203)
- SB 151-FN**, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks. (Fraser - To Transportation)
 49, LT 677, am, LT & S Ct opin req (SR 6) 893-897, S Ct opin printed & am 2170-2186, psd 2238, H conc 2261, enr 2339 (Chapter 385)
- SB 152**, relative to a joint New Hampshire-Quebec trade council. (W. King et al - To Economic Development)
 50, psd 160, 182, conc H am 1087, enr am 1138, enr 1143 (Chapter 153)

- SB 153**, relative to licensing of pharmacists. (Hollingworth et al - To Executive Departments)
50, am 549-550, psd 588, H nonconc 1204
- SB 154-FN**, relative to the jurisdiction of state police employees. (Podles et al - To Transportation)
50, psd 255, 264, H Com 1145
- SB 155**, relative to mechanics' liens. (Roberge and Heath - To Banks)
50, am 546-549, psd 589, H conc 1204, enr 1623 (Chapter 270)
- SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor. (Disnard et al - To Education)
50, am & Finance 270-272, am 784-785, psd 798, H Com 1061
- SB 157-FN**, relative to bingo and lucky 7. (Disnard et al - To Ways and Means)
New title: relative to bingo.
50, am 523-525, psd 540, H conc 1434, enr 2162 (Chapter 271)
- SB 158**, relative to advanced registered nurse practitioners. (W. King et al - To Executive Departments)
50, am 375-377, psd 428, conc H am 1436, enr 2082 (Chapter 272)
- SB 159-FN**, relative to posting of public documents in licensed health facilities. (Podles and Rep. O'Rourke of Hil. 35 - To Public Institutions, Health and Human Services)
New title: relative to posting of public documents in licensed health facilities and health care facilities.
50, am 390-391, psd 428, H Com 1145
- SB 160**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (Pressly - To Banks)
50, am 590-591, psd 694, H nonconc 1204
- SB 161**, relative to meetings of community associations. (Pressly - To Public Affairs)
50, psd 288, 300, H nonconc 958
- SB 162-A**, relative to rebuilding, modernizing, and maintaining the Conway branch line and making an appropriation therefor. (Dupont - To Transportation)
New title: relative to rebuilding, modernizing, and maintaining rail properties and making an appropriation for the Conway branch line.
50, am & Capital Budget (RC) 410-424, am 764-772, psd 797, H Com 1061
- SB 163**, relative to the owners of manufactured housing parks. (Pressly and Rep. Wright of Hil. 18 - To Executive Departments)
50, K 643
- SB 164**, relative to maintaining the current subsidized multi-family rental housing stock in New Hampshire. (Pressly et al - To Public Affairs)
51, study 289
- SB 165-FN**, relative to permit fees for excavating and dredging permits. (Dupont and Roberge - To Environment)
51, am 495, recon & am 537-538, psd 540, conc H am 1241, enr 1623 (Chapter 273)
- SB 166-FN**, permitting towns and cities to recover costs of investigations and prosecutions. (Delahunty et al - To Judiciary)
51, K 386-387
- SB 167-FN**, establishing a committee to reevaluate the sequencing of the central turnpike projects in the city of Nashua and to examine the changing traffic conditions in the Nashua area. (Pressly and Nelson - To Transportation)
New title: establishing a committee to study the sequencing of the central turnpike projects.
51, am 677-679, psd 694, H nonconc 1204
- SB 168-FN**, relative to future statewide toll increases. (Shaheen et al - To Transportation)
New title: establishing a committee to study the toll highway system.
51, LT 679-681, am 946-950, psd 955, H nonconc 1204

- SB 169**, prohibiting steel leg traps. (Podles et al - To Wildlife and Recreation)
51, psd (RC) 530-535, 540, H nonconc 1146
- SB 170-FN-A**, to study the revenue structure in New Hampshire and making an appropriation therefor. (McLane et al - To Ways and Means)
51, am & Finance 684-689, psd 785, 798, conc H am 1436, enr 2162 (Chapter 279)
- SB 171-FN**, prohibiting discrimination on the basis of smoking. (Currier et al - To Public Institutions, Health and Human Services)
New title: relative to discrimination in the workplace.
51, am (RC) 392-398, psd 428, H conc 1204, enr 2162 (Chapter 274)
- SB 172-FN-A**, relative to enhanced family care facilities and making an appropriation therefor. (Blaisdell et al - to Public Institutions, Health and Human Services)
New title: establishing a committee to study the board and care rates for residents of enhanced family care facilities.
51, am 398-399, psd 428 (H Com)
- SB 173-FN-A**, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. (Disnard et al - To Public Institutions, Health and Human Services)
51, Finance (RC) 399-404, psd (RC) 785-790, 798, H conc 1204, enr 1445, veto sustained (RC) 1619-1622
- SB 174-FN**, relative to possessing and dispensing prescription drugs by nonprofit family planning agencies. (McLane et al - To Public Institutions, Health and Human Services)
52, LT 404, psd 753-758, 797, H conc 1147, enr 1424 (Chapter 189)
- SB 175-FN**, relative to foundation aid and making an appropriation therefor. (Disnard et al - To Education)
52, Finance 225-226, K 790-791
- SB 176-FN**, relative to ophthalmic dispensing. (Currier et al - To Executive Departments)
52, am & Finance 643-649, psd 791, 799, H nonconc 1204
- SB 177-FN-A**, relative to enhancing prenatal care and making an appropriation therefor. (Hollingworth et al - To Public Institutions, Health and Human Services)
52, Finance 404-405, LT 791-792, remarks 939-943, K 954
- SB 178**, transferring certain account balances to the joint legislative account. (Dupont et al - To Internal Affairs)
52, psd 162, 182, H conc 1062, enr 1124 (Chapter 122)
- SB 179-FN**, allowing real estate firms or brokers to establish interest-bearing trust accounts. (W. King - To Banks)
52, K 591-592
- SB 180-FN**, relative to the time within which the board of tax and land appeals must hear appeals. (W. King et al - To Internal Affairs)
First new title: relative to the hearing process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals.
Second new title: relative to the hearings process on tax abatements for property taxes.
52, am 654-656, psd 694, nonconc H am, conf 1239, 1435, rep adop 2198-2200, enr am 2321-2322, enr 2338 (Chapter 386)
- SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date. (Nelson et al - To Ways and Means)
New title: relative to the number of winner take all bingo games allowed on one game date and establishing a committee to study certain gambling events.
52, am 424-425, psd 428, nonconc H am, conf 1659, 1664, rep adop 2200, enr 2238 (Chapter 345)
- SB 182-FN**, relative to the division of information services. (Dupont - To Internal Affairs)
52, psd 162-164, 182, nonconc H am, conf 1436-1437, 1664, rep adop 2202-2212, enr 2238 (Chapter 346)

- SB 183-FN**, relative to the Lamprey Regional Solid Waste Cooperative. (Dupont - To Environment)
52, am 496-498, psd 540, nonconc H am, conf 1437, 1664, rep adop 2212 (K)
- SB 184-FN**, relative to voter registration. (Cohen - To Public Affairs)
52, am 289-291, psd 300, H Com 1145
- SB 185-FN**, relative to caterers and other banquet facilities. (Roberge et al - To Ways and Means)
First new title: relative to liquor licenses for caterers and allowing caterers to subcontract the cooking, preparing, and serving of food.
Second new title: allowing caterers to subcontract the cooking, preparing, and serving of food.
52, am 689-691, psd 694, conc H am 1202, enr 2163 (Chapter 275)
- SB 186-FN**, relative to a hazardous waste day in Rockingham county. (Hollingworth and Cohen - To Environment)
New title: establishing a committee to study household hazardous waste.
53, am 498-500, psd 540, H Com 1205
- SB 187-FN**, relative to establishing water rights for a portion of the Bellamy River for the city of Dover. (Shaheen et al - To Environment)
53, K 500-501
- SB 188**, relative to the living will statute. (McLane and Bass - To Judiciary)
53, K 660-661
- SB 189-FN**, allowing raffles and games of chance to be conducted at the same place as a bingo game. (Nelson et al - To Ways and Means)
First new title: allowing raffles to be conducted at the same place as bingo games.
Second new title: allowing raffles to be conducted at the same place as bingo games and increasing raffle prize award wholesale costs.
53, rcmt 425-426, am 569-570, psd 589, conc H am 1241-1242, enr 1623 (Chapter 276)
- SB 190-FN**, relative to insurance coverage for infertility. (McLane et al - To Insurance)
New title: establishing a committee to study insurance coverage for infertility.
53, am 508-510, psd 540, H nonconc 1146
- SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults. (Heath et al - To Transportation)
New title: relative to fines and to loss of driver's license and plates for court defaults and increasing drivers' license fees.
53, am 217-219, psd 221, conc H am 1554-1555, enr am 2231, enr 2238 (Chapter 347)
- SB 192-FN-A**, relative to the office of chief medical examiner and making an appropriation therefor. (Nelson and Hollingworth - To Internal Affairs)
New title: relative to the office of chief medical examiner.
53, Finance 656, am 792-794, psd 799, H Com 1435
- SB 193-FN**, relative to limits on motorboat speeds. (McLane - To Wildlife and Recreation)
53, LT 535-536, am (RC) 747-753, psd 797, H Com 1205
- SB 194**, relative to disclosure statements for lobbyists. (Bass and Rep. Hoar of Rock. 6 - To Executive Departments)
53, study 550-551
- SB 195-FN**, relative to campaign expenditure limitations. (Bass - To Public Affairs)
53, am 665-667, psd 694, nonconc H am, conf 1062-1068, 1139, rep adop (RC) 2212-2229, enr am 2322-2323, enr 2338 (Chapter 387)
- SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21. (Currier - To Transportation)
53, rcmt 148-153, am 562-568, psd 589, H Com 1205
- SB 197-FN**, relative to code compliance for health care facilities. (Podles and Rep. O'Rourke of Hil. 35 - To Public Institutions, Health and Human Services)
53, K 405

- SB 198-FN**, relative to de novo hearings in certain cases involving minors. (Podles - To Judiciary)
53, K 239-240
- SB 199-FN**, relative to abused and neglected children. (Podles - To Public Institutions, Health and Human Services)
53, K 558
- SB 200-FN**, relative to persons eligible to file requests for property tax abatements. (Delahunty - To Internal Affairs)
54, K 511
- SB 201**, allowing each city and town to vote to establish its own tax rate. (Pressly et al - To Ways and Means)
54, K 426
- SB 202-FN**, relative to due process in the liquor commission's proceedings. (Russman - To Ways and Means)
54, am 426-427, psd 428, H conc 1204, enr 1446 (Chapter 204)
- SB 203-FN**, relative to the budget of the university system. (St. Jean - To Finance)
54, K (RC) 102-111
- SB 204-FN**, waiving tuition for state troopers enrolled in any state school, college or university. (St. Jean - To Education)
54, am & Finance 272-278, study 794
- SB 205-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks. (Pressly et al - To Executive Departments)
New title: establishing a committee to study the enforcement of RSA 205-A.
54, am 649-652, psd 694, H Com 1145
- SB 206-FN**, relative to liquor licenses for caterers. (Nelson and Pressly - To Ways and Means)
54, am 525-527, psd 540, conc H am 1202-1203, enr am 2323-2324, enr 2338 (Chapter 388)
- SB 207-FN**, relative to notification of employee bargaining units prior to introduction of legislation amending the retirement statutes. (St. Jean - To Internal Affairs)
54, K 185-186
- SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents. (Podles et al - To Ways and Means)
54, psd 427, 428, nonconc H am, conf 1659-1660, 1665, rep adop 2229, enr 2238 (Chapter 348)
- SB 209-FN**, relative to issuance of a notice or citation by the probate court to a court-appointed fiduciary for failure to file an inventory or an account of administration and to requirements for notice to beneficiaries. (Podles - To Judiciary)
54, psd 387, 429, H conc 1147, enr 1424 (Chapter 190)
- SB 210-FN-A**, relative to drugged driving and making an appropriation therefor. (Fraser and Colantuono - To Judiciary)
54, am & Finance 661-664, psd 794-795, 799, nonconc H am, conf 1239, 1435 (K)
- SB 211-FN**, to include probation and parole officers in group II of the New Hampshire retirement system. (J. King et al - To Insurance)
54, K 378-379
- SB 212-FN-A**, relative to the sweepstakes revenue distribution method. (J. King et al - To Ways and Means)
New title: establishing a committee to study the method of sweepstakes revenue distribution.
55, am 691-693, psd 694, H nonconc 1061
- SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue. (J. King et al - To Ways and Means)
55, LT 527-529, 570-577, am & remarks 950-954, psd 955, H Com 1663

- SB 214-FN**, exempting certain programs or projects of the Christa McAuliffe planetarium from the state's competitive bidding process. (Heath - To Executive Departments)
New title: exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process.
 55, am 314-316, psd 318, H conc 1147, enr am 1424, enr 2163 (Chapter 277)
- SB 215-FN**, relative to a minimum retirement allowance of certain retired teachers. (Blaisdell and Hough - To Insurance)
 55, K 379
- SB 216-FN**, relative to possession of illegal drugs while operating a motor vehicle. (Roberge et al - To Transportation)
 55, K 568
- SB 217-FN**, to permit designation of enterprise zones by the director of economic development, department of resources and economic development. (W. King et al - To Economic Development)
 55, study 609-610
- SB 218-FN**, relative to higher education benefits for children of public safety personnel killed in the line of duty. (Hollingworth and J. King - To Education)
 55, K 610
- SB 219-FN**, restructuring the state art fund. (Colantuono - To Public Affairs)
 55, LT 240, K (RC) 291-298
- SB 220-FN**, relative to foster care. (Disnard - To Public Institutions, Health and Human Services)
 55, am & Finance 405-406, psd 795, 799, H Com 1205
- SB 221-FN**, relative to discount car insurance rates for the elderly. (Delahunty - To Insurance)
 55, K 379
- SB 222-FN**, relative to a study of alternative transportation. (Nelson and Pressly - To Transportation)
 55, am 681-682, psd 694, conc H am 1087, enr am 1197-1198, enr 1445 (Chapter 191)
- SB 223-FN**, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza. (Shaheen et al - To Transportation)
 55, psd 568-569, 589, nonconc H am, conf 1437, H rej conf req 1624
- SB 224-FN**, relative to increasing the bonding authority for industrial development projects for the city of Dover. (Shaheen et al - To Public Affairs)
 56, psd 210-213, 221, H conc 1204, enr 1446 (Chapter 205)
- SB 225-FN**, relative to the higher educational building corporation and loan eligibility. (W. King and Nelson - To Education)
 56, study 226, recon notice 269, recon & rcmt 299, am 359-362, psd 429, conc H am 1242, enr 2163 (Chapter 298)
- SB 226-FN**, establishing the town of Plaistow as a one-town solid waste district under RSA 149-M. (Delahunty and Rep. Senter of Rock. 9 - To Environment)
 56, study 501
- SB 227-FN**, relative to tuition free classes at state universities for local police officers. (J. King - To Education)
 56, am & Finance 278-280, K 795-796, remarks 797
- SB 228-FN-A**, relative to the treatment of New Hampshire trusts. (Fraser - To Ways and Means)
First new title: relative to the treatment of New Hampshire trusts and the open bank assistance program under the New Hampshire business profits tax.
Second new title: relative to the treatment of New Hampshire investment trusts and the open bank assistance program under the New Hampshire business profits tax.
 56, com changed 93, am 367-371, psd 429, conc H am 1002, enr 1092 (Chapter 67)

- SB 229**, relative to a Martin Luther King Human Rights Day. (W. King et al - To Public Affairs)
New title: establishing Civil Rights Day and abolishing Fast Day.
92, psd 554-558, 589, conc H am 1146, enr 1446 (Chapter 206)

SENATE CONCURRENT RESOLUTIONS

- SCR 1**, relative to L-Tryptophan. (W. King and Rep. Arnesen of Graf. 7 - To Public Institutions, Health and Human Services)
56, adop 129-130, 155, H conc 1062
- SCR 2**, urging the Federal Energy Regulatory Commission to deny a rate increase for Public Service Company of New Hampshire. (W. King et al)
intro, rules suspended & adop 90, 91, H Com 1205
- SCR 3**, urging the New Hampshire supreme court to give preferred status to appeals of adoptions. (Podles - To Judiciary)
222, adop 387, 429, H nonconc 1146

SENATE RESOLUTIONS

- SR 1**, authorizing the clerk of the senate to provide for the biennium one daily or two weekly newspapers printed within the state to members and officers of the senate. (Currier)
intro & adop 15
- SR 2**, adopting the rules of the 1989-90 session as the rules of the 1991-1992 session and further that these rules may be changed by majority vote for the next two (2) legislative days. (Hough)
15, am & printed 21-34
- SR 3**, relative to the salary and mileage payments to the members of the senate. (Roberge)
intro & adop 15
- SR 4**, concerning FDIC Chairman L. William Seidman and the FDIC. (Dupont)
intro & adop 178-179
- SR 5**, honoring President George Bush for his leadership in the War in the Persian Gulf. (Delahunty and Disnard)
intro & adop 298-299
- SR 6**, requesting an opinion of the justices concerning the constitutionality of SB 151-FN. (Fraser)
intro & adop 896-897, opin printed 2170-2180
- SR 7**, relative to the James Bay II project of Hydro-Quebec. (Cohen)
intro & K 1133-1137, recon notice 1157, recon & LT 1198-1199
- SR 8**, establishing deadlines for the 1991 session. (Senate Rules Committee)
intro & adop 1615-1619
- SR 9**, affirming revenue estimates for fiscal years 1992 and 1993. (McLane - To Ways and Means)
intro & adop 2068-2072
- SR 10**, relative to the operating budget. (Delahunty et al)
intro & adop (RC) 2242-2260
- SR 11**, requesting the department of revenue administration to change its interpretation of the legislative intent concerning the applicability of the business profits tax to the sale and rental of personal residences. (Fraser)
intro & adop 2428-2429

SR 12, urging the commissioner of health and human services to present a plan for the utilization of certain medicaid moneys to the fiscal committee. (McLane)
intro & adop 2463-2471

HOUSE BILLS

HB 1-FN-A, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor. (Ways and Means)
rules suspended, intro & psd (RC) 2291-2304, 2324, enr 2312 (Chapter 299)

HB 25-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. (Finance)
remarks 833-834, intro 873, remarks 910-911, 1009-1011, 1549, 1553-1554, am (2 RC's) 1665-1919, remarks 2074-2075, psd 2076, H nonconc, conf 2077, remarks 2083, 2236-2237, 2241-2242, rep adop (RC) 2339-2346, 2405, enr 2428 (Chapter 312)

HB 35-A, making appropriations for capital improvements. (Capital Budget)
867, am (RC) 1582-1610, psd 1656, H nonconc, conf 2073, rep adop 2279-2291, 2312, 2325, enr am 2337, enr 2405 (Chapter 351)

HB 40-FN-A, relative to certain state taxes and making an appropriation therefor. (Ways and Means)
New title: relative to certain state taxes.
2328-2329, rules suspended & am (2 RC's) 2328-2337, psd 2404, H conc 2415, enr 2433 (Chapter 353)

HB 41, relative to setting the moose season and reducing collisions between moose and motor vehicles. (Wildlife and Recreation)
intro 2233-2237, LT & SO (RC) 2261-2268, psd (RC) 2276-2279, 2324, enr 2338 (Chapter 352)

HB 50-FN-A, relative to state revenue and expenditures. (Finance)
266, am (RC) 437-479, psd 540, H nonconc, conf 544-545, remarks & rep adop 577-587, 589, enr 796 (Chapter 4)

HB 51-FN, relative to the normal contribution rate for retirement system members and establishing a committee to study retirement system benefits and making an appropriation therefor. (Insurance)
92, scheduling of hearing ratified & am 186-189, psd 221, recon, am & psd 222-224, H conc 266, enr 269 (Chapter 1)

HB 52, relative to group health insurance participation by members of the general court. (Insurance)
695, psd 986, 1005, enr 1092 (Chapter 69)

HB 53-FN-A, establishing a continually appropriated state park fund and a ski area funding mechanism. (Finance)
intro, rules suspended, recon & referred to com 861-867, psd 878-884, 900, enr 957 (Chapter 40)

HB 54-FN, relative to the laws regarding children in need of services. (Public Institutions, Health & Human Services)
New title: establishing a committee to study the laws regarding children in need of services.
695, am 1227-1230, psd 1237, H conc 1424, enr 1445 (Chapter 192)

HB 62-FN, relative to retirement allowances under the New Hampshire retirement system. (Insurance)
867, am 1515-1518, psd 1549, recon notice 1561, recon & am 1648-1656, psd 1656, H nonconc, conf 1981, rep adop 2085-2086, 2231, enr 2239 (Chapter 313)

HB 64-FN-A, relative to establishing a tax on nuclear station property and making an appropriation therefor. (Ways and Means)
New title: relative to the business profits tax, the real estate transfer tax, the communication services tax, relative to establishing a tax on nuclear station property and making an appropriation therefor, and appropriating funds for a tax expenditure report.
867, am & LT 1955-1964, am (3 RC's) 2045-2060, psd 2076, H nonconc, conf 2077-2078, rep adop (RC) 2405-2415, 2432, enr am 2432-2433, enr 2433 (Chapter 354)

- HB 65-FN-A**, relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures. (Finance)
New title: relative to state fees, funds, revenues and expenditures.
 873, remarks (hearing) 1062, am (RC) 1984-2045, psd 2076, H nonconc, conf 2078, rep adop (RC) 2346-2401, 2405, enr 2433 (Chapter 355)
- HB 75-FN-A**, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund. (Ways and Means)
 intro, rules suspended & psd (RC) 2443-2463, psd & enr 2472 (Chapter 390)
- HB 100**, clarifying when a school bus driver must pull over to let other drivers pass. (Transportation)
 266, K 937
- HB 103**, relative to the time period for perfection of a purchase money security interest under the uniform commercial code. (Banks)
 266, psd 834-835, 870, enr 898 (Chapter 8)
- HB 104-FN**, relative to a public water rights report and advisory committee. (Environment)
New title: relative to a public water rights report and advisory committee and relative to water usage by registered hydroelectric facilities.
 266, am 1254-1256, psd 1429, H nonconc, conf 1437-1438, rep adop 2086-2088, 2231, enr am 2272, enr 2339 (Chapter 356)
- HB 106-FN**, establishing a committee to study the feasibility of an enhanced statewide uniform emergency 911 telephone system. (Executive Departments)
 266, psd 805, 831, enr 872 (Chapter 9)
- HB 107-FN**, relative to registration fees for dams. (Environment)
New title: eliminating registration fees for class AA dams.
 871, am 1256-1257, psd 1429, H conc 1554, enr 2163 (Chapter 287)
- HB 111**, relative to protective well radii. (Environment)
 542, psd 1257, recon & am 1425-1429, psd 1429, H conc 1560, enr 2081 (Chapter 215)
- HB 113**, relative to weighted voting in school administrative unit affairs. (Education)
 266, psd 1097-1098, 1122, enr 1423 (Chapter 155)
- HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program. (Transportation)
 871, psd 937-939, 955, enr 1007 (Chapter 48)
- HB 116**, relative to a definition of active military service in relation to representatives and senators. (Internal Affairs)
New title: relative to vacancies in the New Hampshire general court.
 266, LT 807, am 1408-1410, psd 1429, H conc 1433, enr 1622 (Chapter 216)
- HB 117-FN**, relative to housekeeping changes in the weights and measures laws. (Executive Departments)
 266, psd 839, 870, enr 898 (Chapter 10)
- HB 118**, relative to determination of alimony where one spouse has remarried. (Judiciary)
 319, am 960-961, psd 1005, H conc 1145, enr 1197 (Chapter 123)
- HB 120**, to standardize the use of tax exemptions and tax credits for property tax purposes. (Executive Departments)
 266, psd 914, 955, enr 1007 (Chapter 70)
- HB 121-FN**, relative to limiting the mode of taking deer in Rollinsford. (Wildlife and Recreation)
New title: relative to limiting the mode of taking deer in Dover, Rollinsford and Somersworth.
 266, am 823-825, psd 831, H conc 874, enr 957 (Chapter 41)
- HB 122**, relative to placing ballots directly in the ballot box. (Public Affairs)
 319, K 1520-1522

- HB 125**, relative to drink rails. (Ways and Means)
267, psd 523, 540, enr 693 (Chapter 2)
- HB 127**, establishing Civil Rights Day and abolishing Fast Day. (Public Affairs)
695, am (RC) 989-998, psd 1005, H nonconc 1139
- HB 129-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Executive Departments)
267, am 1333-1335, psd 1430, H nonconc 1434
- HB 130-FN**, relative to mass transportation in certain cities. (Transportation)
267, K 1022-1023
- HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses. (Judiciary)
267, am 961, psd 1005, H nonconc, conf 1209, rep adop 2088-2089, 2231, enr 2239 (Chapter 314)
- HB 132-FN**, reclassifying portions of certain highways in the town of Sandwich. (Transportation)
267, psd 819, 831, enr 872 (Chapter 11)
- HB 133**, relative to the right to know law. (Judiciary)
695, am 1106-1107, psd 1122, H conc 1148, enr 2162 (Chapter 217)
- HB 136-FN**, relative to current use assessments and the land use change tax. (Ways and Means)
542, am 1566-1569, psd 1656, H conc 1664, enr 2161 (Chapter 281)
- HB 137-FN**, relative to railroad rights-of-way. (Transportation)
267, am & Finance 1023-1024, psd 1512-1513, 1549, H conc 1624, enr 2161 (Chapter 282)
- HB 138-FN**, relative to spousal support. (Judiciary)
319, psd 808, 831, enr 872 (Chapter 12)
- HB 139-FN**, relative to fair credit billing. (Banks)
542, study 1095
- HB 141-FN**, relative to limiting the mode of taking deer in Dover. (Wildlife and Recreation)
319, K 825
- HB 142-FN**, relative to school district budgets. (Education)
First new title: relative to school district budgets and to the Tilton and Northfield Union school district.
Second new title: relative to school district budgets, the Tilton and Northfield Union school district and the Winnisquam regional school district.
267, am 1249-1251, psd 1430, H nonconc, conf 1558, rep adop 2089-2090, 2231, enr am 2272-2273, enr 2339 (Chapter 357)
- HB 143-FN**, relative to the liquor commission's authority to close liquor stores. (Ways and Means)
871, am 1569-1570, psd 1656, H nonconc, conf 1983, rep adop 2090-2091, 2231, enr 2239 (Chapter 349)
- HB 146-FN-A**, relative to the rate of the business profits tax. (Ways and Means)
871, am (RC) 2061-2063, psd 2076, H nonconc, conf 2078 (K)
- HB 147**, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates. (Public Affairs)
267, LT 1173-1181, am 1416-1420, psd 1430, H conc 1560, enr 2162 (Chapter 218)
- HB 153-FN**, to regulate the handling of manure, agricultural compost and chemical fertilizers. (Environment)
319, psd 836, 870, enr 898 (Chapter 13)
- HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county. (Public Affairs)
267, psd 1523-1524, 1549, enr 2161 (Chapter 219)

- HB 158**, relative to highway safety for riders and drivers of animals. (Transportation)
319, am 1117-1119, psd 1122, H nonconc 1434
- HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system. (Insurance)
First new title: relative to retirement system benefits and retirement system membership eligibility.
Second new title: relative to retirement system benefits and retirement system membership eligibility and making an appropriation from the retirement system administrative account.
867, rcmt 1068-1069, am 1369-1373, psd 1430, H nonconc, conf 1555, rep adop 2091-2093, 2231, enr am 2273, enr 2339 (Chapter 358)
- HB 162-FN**, extending the committee studying a statewide trauma care system. (Executive Departments)
319, psd 839-840, 870, enr 898 (Chapter 14)
- HB 166**, relative to voting in cooperative school districts. (Public Affairs)
267, am 1181-1183, psd 1200, H conc 1434, enr 2161 (Chapter 220)
- HB 167-FN**, relative to airman certificates and fees. (Transportation)
267, psd 820, 831, enr 872 (Chapter 15)
- HB 168**, relative to highway classifications. (Transportation)
267, am 1024-1025, psd 1059, H conc 1145, enr 1197 (Chapter 124)
- HB 169-FN**, relative to the disposition of revenues collected under the land use change tax. (Ways and Means)
695, am 1050-1052, psd 1059, H conc 1145, enr 1424 (Chapter 156)
- HB 170-FN**, to provide immunity to the board of examiners of psychologists, its agents, investigators, and employees against civil actions resulting from disciplinary investigations and proceedings. (Executive Departments)
319, psd 914, 955, enr 1007 (Chapter 49)
- HB 171-FN**, relative to maintaining the "Old Man of the Mountain." (Environment)
New title: relative to maintaining the "Old Man of the Mountain" and relative to the Conway village fire district and making an appropriation therefor.
267, Finance 803, am 1513-1515, psd 1549, H nonconc, conf 1660, rep adop 2093, 2231, enr am 2273, enr 2339 (Chapter 359)
- HB 172-FN**, relative to private lease of state railroad real estate. (Transportation)
319, K 1025-1026
- HB 173-FN**, establishing a committee to study certain provisions of RSA 154 relative to powers and duties of firewards. (Executive Departments)
799, rules suspended & psd 1230-1231, 1237, enr 1444 (Chapter 157)
- HB 174**, relative to the appointment of a deputy town clerk by the elected town clerk. (Executive Departments)
267, am 806, psd 831, H conc 958, enr 1007 (Chapter 71)
- HB 175-FN**, relative to the hunting of pheasants. (Wildlife and Recreation)
267, am 825-828, psd 831, H conc 1145, enr 1197 (Chapter 125)
- HB 179**, relative to authorization of treatment for communicable diseases. (Public Institutions, Health & Human Services)
267, psd 522-523, 540, enr 693 (Chapter 3)
- HB 180-FN**, to establish a study committee to evaluate whether a consortium of all law libraries in the greater Concord area is economically feasible and practical. (Judiciary)
New title: to establish a study committee to evaluate whether a consortium of all law libraries within the state of New Hampshire is economically feasible and practical.
319, am 808-809, psd 831, H conc 874, enr 1007 (Chapter 50)

- HB 183-FN**, relative to the imposition of fines for securities violations. (Banks)
319, psd 877, 900, enr 957 (Chapter 42)
- HB 184-FN**, relative to civil penalties for securities violations. (Banks)
319, psd 1149, 1200, enr 1444 (Chapter 158)
- HB 185**, relative to certain security transactions exempted from registration. (Banks)
267, psd 835, 870, enr 898 (Chapter 16)
- HB 186**, relative to isolated sales of securities. (Banks)
268, psd 835, 870, enr 898 (Chapter 17)
- HB 187**, including agents of investment advisors in the definition of "agent" under the securities laws. (Banks)
268, psd 1095, 1122, enr 1143 (Chapter 126)
- HB 188**, clarifying definitions of "investment metal contract" and "investment gem contract" for purposes of securities regulation. (Banks)
268, psd 877, 900, enr 957 (Chapter 43)
- HB 189**, relative to the rulemaking authority of the director of the office of securities regulation. (Banks)
319, am 1964-1969, psd 2076, H nonconc, conf 2079 (K)
- HB 193-FN**, authorizing the state to enter into a lease-purchase agreement with the town of Milford for a new district courthouse. (Capital Budget)
New title: relative to lease-purchase agreements for district courthouses, meetings of the Auburn district court, study committees on the district courts, and making a supplemental appropriation for renovation of the Rochester Post Office as a district court facility.
868, am 1446-1450, psd 1550, H conc 1664, enr 2163 (Chapter 288)
- HB 202-FN**, to extend the time period within which a corporation may reinstate its charter, relative to revival of charters of voluntary corporations, and reviving the charter of the Bristol Federated Church. (Judiciary)
New title: to extend the time period within which a corporation may reinstate its charter, relative to revival of charters of voluntary corporations, and reviving certain charters.
268, am 809-811, psd 831, H conc 834, enr 832 (Chapter 7)
- HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers. (Public Institutions, Health & Human Services)
320, LT 931, am 999-1001, psd 1005, H nonconc, conf 1207, rep adop 2093-2094, 2231, enr 2240 (Chapter 315)
- HB 205**, restricting the method of taking freshwater smelt. (Wildlife and Recreation)
320, psd 1191, 1200, enr 1445 (Chapter 193)
- HB 208-FN**, relative to annulments of criminal records. (Judiciary)
695, am 962, psd 1005, H conc 1145, enr 1424 (Chapter 159)
- HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations. (Executive Departments)
320, LT 914-916, psd 1137, 1143, enr 1424 (Chapter 160)
- HB 210-FN**, creating a committee to study artificial impoundments. (Environment)
First new title: creating a committee to study artificial impoundments, relative to the department of environmental services revolving fund and abolishing the office of state geologist.
Second new title: creating a committee to study artificial impoundments and relative to the department of environmental services revolving fund.
320, am 1257-1260, psd 1430, H nonconc, conf 1438, rep adop 2094-2095, 2231, enr am 2273, enr 2339 (Chapter 360)
- HB 211-FN-A**, relative to administrative fees of the air resources division and continually appropriating such fees. (Environment)
868, psd 1260, 1430, enr 2237 (Chapter 289)

- HB 212-FN**, relative to black bear hunting licenses. (Wildlife and Recreation)
268, am 1227, psd 1237, H conc 1434, enr 1623 (Chapter 221)
- HB 213-FN**, relative to rates set for medicaid and the administrative procedure act. (Public Institutions, Health & Human Services)
268, am 812-813, psd 831, H conc 1056, enr 1139 (Chapter 127)
- HB 219-FN**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital, including the Walker building, for certain state offices. (Internal Affairs)
320, K 807-808
- HB 221-FN**, relative to respite care for Alzheimer's disease. (Public Institutions, Health & Human Services)
268, K 931-932, recon & LT 1001-1002, psd 1057-1058, 1059, enr 1139 (Chapter 128)
- HB 224-FN**, relative to new motor vehicle arbitration. (Judiciary)
320, am 963-964, psd 1005, H conc 1238, enr 2161 (Chapter 222)
- HB 240**, relative to the disposition of the Kona Wildlife Management Area. (Environment)
320, psd 803-804, 831, enr 872 (Chapter 18)
- HB 241**, relative to the age requirement for retirement communities. (Public Affairs)
542, K 1524
- HB 242-FN**, relative to the powers of county conventions. (Internal Affairs)
542, am 1071-1073, psd 1091, H conc 1148, enr 1445 (Chapter 194)
- HB 243**, relative to the number of signatures required to place a petitioned article on the warrant. (Public Affairs)
268, rules suspended & psd 1534, 1550, enr 2081 (Chapter 223)
- HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages. (Executive Departments)
New title: establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory damages.
268, am 916, psd 955, H conc 1056, enr am 1138, enr 1424 (Chapter 161)
- HB 245**, prohibiting pre-season baiting. (Wildlife and Recreation)
542, am 1191-1192, psd 1200, H conc 1238, enr 2162 (Chapter 224)
- HB 248-FN**, relative to developments having regional impact. (Executive Departments)
268, am 1454, psd 1550, H conc 1624, enr am 2163-2164, enr 2239 (Chapter 300)
- HB 250-FN**, relative to the board of nursing. (Executive Departments)
542, am 1335-1336, psd 1430, H nonconc, conf 1558-1559, rep adop 2095, 2231, enr am 2273-2274, enr 2338 (Chapter 361)
- HB 253-FN**, naming a certain segment of U.S. Route 202 the General Isaac Davis White highway. (Transportation)
320, psd 820-821, 831, enr 872 (Chapter 19)
- HB 255-FN**, establishing the New Hampshire foundation for mental health and the mental health foundation fund. (Public Institutions, Health and Human Services)
268, psd 932-933, 955, enr 1007 (Chapter 51)
- HB 256**, limiting liability of any person, firm or corporation which donates equipment or services to any postsecondary technical training program. (Education)
542, psd 877, 900, enr 1007 (Chapter 52)
- HB 257**, relative to collection and reclamation of motor vehicle wastes. (Environment)
320, am 1261-1262, psd 1430, H conc 1560, enr 2082 (Chapter 225)
- HB 258**, to extend the lapse date for the phase V prison construction appropriation. (Capital Budget)
871 (K)

- HB 259**, permitting a municipal governing body to assign street numbers. (Public Affairs)
542, psd 884-885, 900, enr 1007 (Chapter 53)
- HB 262-FN**, revising hazardous waste facility permit fees. (Environment)
868, psd 1262, 1430, enr am 1544-1545, enr 2082 (Chapter 226)
- HB 269**, granting probate judges greater discretion to require bonds from executors and trustees and relative to probate court scheduling. (Judiciary)
New title: relative to probate court scheduling.
695, am 1130, psd 1143, H conc 1434, enr 1622 (Chapter 227)
- HB 270-FN**, relative to filling and dredging in wetlands. (Environment)
695, psd 837, 870, enr 898 (Chapter 20)
- HB 271-FN**, to study the purchasing policies of the technical institute and the technical colleges. (Education)
320, am 1098-1099, psd 1122, H conc 1148, enr 1445 (Chapter 195)
- HB 274-FN**, relative to sentencing to county correctional facilities. (Judiciary)
New title: relative to sentencing and transfers to county correctional facilities.
542, am 1380-1382, psd 1430, H nonconc, conf 1559, rep adop 2095-2096, 2231, enr 2240 (Chapter 316)
- HB 275-FN-A**, establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor. (Public Affairs)
871-872, psd 1113, 1122, enr 1197 (Chapter 129)
- HB 276-FN**, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services. (Environment)
696, am 1262-1263, psd 1430, H conc 1560, enr 1663 (Chapter 228)
- HB 278-FN**, relative to liability and indemnification of regional planning commissions. (Judiciary)
542, psd 964, 1005, enr 1092 (Chapter 72)
- HB 282-FN**, relative to the BOCA Basic Building Code and the Life Safety Code. (Executive Departments)
New title: relative to the BOCA Basic Building Code and the Life Safety Code and relative to property located at former Pease Air Force Base.
696, am 1336-1345, recon & am 1358-1366, psd 1430, H conc 1560, enr 2163 (Chapter 290)
- HB 283-FN**, establishing a study committee on the problems of New Hampshire banks and financial institutions. (Banks)
696, rcmt 901-904, 1018-1019, am 1242-1243, psd 1430, H nonconc, conf 1559 (K)
- HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood. (Wildlife and Recreation)
542, am 1391-1393, psd 1430, H nonconc, conf 1438-1439, rep rej, new rep req 2096-2100, rep adop 2189-2190, 2231, enr 2313 (Chapter 317)
- HB 288-FN**, establishing a study committee on premature births. (Public Institutions, Health & Human Services)
320, psd 813, 832, enr 873 (Chapter 21)
- HB 289-FN**, relative to regulating commercial salt water fishing. (Wildlife and Recreation)
542, psd 1192-1194, 1200, enr 1622 (Chapter 229)
- HB 290-FN**, relative to the sale of hunting licenses. (Wildlife and Recreation)
268, psd 828, 832, enr 873 (Chapter 22)
- HB 292-FN**, relative to the real estate tax lien process. (Executive Departments)
542, psd 917, 955, enr 1007 (Chapter 54)

- HB 298-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws. (Transportation)
799, LT (2 RC's) 1027-1036, remarks 1088-1089, LT (RC) 1420, remarks 1545-1549, K (2 RC's) 1626-1647
- HB 299-FN**, relative to the posting of statements in liquor stores and establishments selling beverages and liquors. (Ways and Means)
320, psd 1570, 1656, enr 2163 (Chapter 291)
- HB 304**, relative to escrow of funds raised through sale of certain types of securities and to certain conditions for sale of securities. (Banks)
696, rules suspended & study 1231
- HB 305-FN**, relative to the meaning of the term "charitable" for purposes of real estate tax exemptions. (Ways and Means)
696, psd 1052-1054, 1059, enr 1123 (Chapter 111)
- HB 307-FN**, establishing a committee to review New Hampshire's bankruptcy laws. (Judiciary)
799, LT 1107-1109, am 1119-1121, psd 1122, H nonconc, conf 1206-1207 (K)
- HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee. (Transportation)
868, psd 1081, 1091, enr 1123 (Chapter 112)
- HB 311**, confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System. (Banks)
New title: confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System or on the Chicago Board Options Exchange.
696, am 1095-1097, psd 1122, H conc 1148, enr 1446 (Chapter 196)
- HB 313**, relative to conversion between mutual savings banks, cooperative banks, building and loan associations, guaranty savings banks, savings and loan associations, and commercial banks and trust companies. (Banks)
320, psd 904-905, 955, enr 1007 (Chapter 55)
- HB 319-FN**, establishing a committee on access to health care. (Insurance)
320, am 806-807, psd 832, H conc 1056, enr 1139 (Chapter 130)
- HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes. (Ways and Means)
872, am 1570-1571, psd 1656, H nonconc, conf 1983-1984, rep adop 2415-2418, 2432, enr am & enr 2433 (Chapter 362)
- HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor. (Capital Budget)
868, am 1324-1325, psd 1430, H nonconc, conf 1559-1560, rep adop 2101-2102, 2231, enr 2240 (Chapter 318)
- HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor. (Capital Budget)
868, psd 1325-1326, 1430, recon notice 1433, enr am 2164, enr 2239 (Chapter 301)
- HB 325-FN**, relative to reciprocity of dog training. (Wildlife and Recreation)
New title: relative to reciprocity of dog training and restricting the use of telemetry equipment.
268, am 828-830, psd 832, recon notice 834, H nonconc, conf 1208, rep adop 2102-2103, 2231, enr am 2274, enr 2339 (Chapter 363)
- HB 327-FN**, relative to the disposal of state-owned real estate. (Transportation)
320, Capital Budget 1026, psd 1610, 1656, enr am 2164, enr 2239 (Chapter 302)
- HB 328-A**, relative to a new Manchester district court facility and making an appropriation therefor. (Capital Budget)
872, Finance 959-960, reference to Finance wthd & rcmt 1009, am 1450-1451, psd 1550, H nonconc, conf 1660-1661, LT 2103-2104, rep rej & new rep req 2188-2189, rep adop 2229-2230, 2231, enr 2313 (Chapter 319)

- HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees. (Economic Development)
868, psd 1124-1125, 1143, enr 1144 (Chapter 131)
- HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children. (Public Institutions, Health & Human Services)
320, LT 813-817, am 885-886, psd 900, H nonconc, conf 1207, rep adop 2100-2101, 2231, enr 2240 (Chapter 350)
- HB 331-FN**, establishing a legislative oversight committee on children. (Public Institutions, Health & Human Services)
321, K 817-818
- HB 333**, relative to notification of insurance cancellation. (Insurance)
268, psd 807, 832, enr 873 (Chapter 23)
- HB 334-FN**, relative to the establishment of agency liquor stores. (Ways and Means)
321, am & LT 1571-1576, am 1647, psd 1656, H nonconc, conf 1984, LT 2104-2105, rep adop 2190-2191, 2232, enr 2240 (Chapter 320)
- HB 335**, relative to license plates for antique motor cars. (Transportation)
321, am 847, psd 870, H conc 1057, enr 1093 (Chapter 73)
- HB 336-FN-A**, relative to the rates of certain state taxes. (Ways and Means)
869 (K)
- HB 339-FN**, relative to traffic signals. (Transportation)
321, psd 1026-1027, 1059, enr 1093 (Chapter 74)
- HB 340**, relative to compliance with enabling legislation. (Internal Affairs)
696, psd 1073, 1091, enr 1123 (Chapter 113)
- HB 341-FN**, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula. (Education)
868, rcmt 1099-1100, am 1251-1252, psd 1430, H nonconc, conf 1439, rep adop 2105, 2232, enr 2240 (Chapter 321)
- HB 347**, restricting the taking of deer in the city of Somersworth. (Wildlife and Recreation)
321, K 830
- HB 348**, relative to the municipal records board. (Executive Departments)
799, rules suspended & psd 1231, 1237, enr 1446 (Chapter 197)
- HB 349**, relative to the charter of the New Hampshire Centennial Home for the Aged. (Public Affairs)
321, psd 1524-1525, 1550, enr 1663 (Chapter 230)
- HB 350-FN**, relative to assault. (Judiciary)
696, SO 964, psd (RC) 1012-1018, 1059, enr 1093 (Chapter 75)
- HB 351**, relative to personal flotation devices for sailboards. (Wildlife and Recreation)
321, psd 850-855, 870, enr 898 (Chapter 24)
- HB 352-FN**, relative to the oil discharge and disposal cleanup fund. (Environment)
268, am 837-838, psd 870, H nonconc, conf 1208-1209, new rep req 2105-2107, rep adop 2200-2202, 2232, enr 2313 (Chapter 322)
- HB 353-FN-A**, to tax smokeless tobacco and making an appropriation therefor. (Ways and Means)
New title: to tax smokeless tobacco and making an appropriation therefor, and relative to prohibiting the use and possession of tobacco products by persons under 18 years of age.
872, am (RC) 1919-1928, psd 2076, H conc 2084, enr 2237 (Chapter 292)
- HB 356-FN**, relative to uniform penalties pertaining to farm products. (Environment)
542, psd 838, 870, enr 957 (Chapter 44)

- HB 361**, repealing certain obsolete education laws. (Education)
268, psd 1100, 1122, enr 1144 (Chapter 132)
- HB 362-FN**, establishing the northeast conservation law enforcement compact. (Interstate Cooperation)
321, psd 1079-1080, 1091, enr 1139 (Chapter 133)
- HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. (Judiciary)
868, am 1109-1110, psd 1122, H nonconc, conf 1206, rep adop 2107-2108, 2232, enr 2240 (Chapter 323)
- HB 364-FN**, relative to the opening and closing of deer season. (Wildlife and Recreation)
321, am 855-856, psd 870, H conc 958, enr 1007 (Chapter 76)
- HB 368-FN**, naming the Parker L. Hancock building of the New Hampshire state prison. (Executive Departments)
321, psd 917, 955, enr 1007 (Chapter 56)
- HB 372-FN**, relative to further protection of scenic roads in municipalities and the removal of trees posing a safety hazard. (Transportation)
321, psd 1027, 1059, enr 1139 (Chapter 134)
- HB 373-FN**, relative to agricultural and farm motor vehicle license plates. (Transportation)
542, psd 1027, 1059, enr 1093 (Chapter 77)
- HB 375-FN**, authorizing towns to accept donations of property. (Public Affairs)
696, psd 843-844, 870, enr 898 (Chapter 25)
- HB 378-FN-A**, relative to determining reasonable compensation under the business profits tax. (Ways and Means)
872, rules suspended & am (RC) 2063-2068, psd 2076, H nonconc, conf 2079 (K)
- HB 381-FN-A**, relative to the recovery of legal fees incurred by the state. (Judiciary)
868, psd 1110, 1122, enr 1144 (Chapter 135)
- HB 385**, relative to administrative inspection warrants, town trust funds, and planning board decisions. (Executive Departments)
696, psd 1345-1346, 1431, enr 2162 (Chapter 231)
- HB 386**, relative to a representative town meeting form of government. (Public Affairs)
696, psd 1183, 1200, enr 1444 (Chapter 162)
- HB 390**, relative to technical corrections in the liquor laws. (Ways and Means)
799, am 1928-1948, psd 2076, H nonconc, conf 2072-2073 (K)
- HB 391**, to permit the adoption of impact fees as part of a zoning ordinance. (Executive Departments)
799, am (2 RC's) 1493-1512, psd 1550, H conc 1624, enr 2161 (Chapter 283)
- HB 392-FN**, relative to payment of child support. (Public Institutions, Health & Human Services)
321, K 818
- HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor. (Capital Budget)
872, psd 1326, 1431, enr 1622 (Chapter 232)
- HB 396**, relative to filing reports in court proceedings involving children. (Public Institutions, Health & Human Services)
696, psd 933-935, 955, enr 1007 (Chapter 57)
- HB 397-FN**, relative to persons afflicted with Alzheimer's disease. (Public Institutions, Health & Human Services)
321, psd 935-936, 956, enr am 1003, enr 1092 (Chapter 78)

- HB 398**, relative to determining qualifications of applicants to vote. (Public Affairs)
696, psd 998-999, 1005, enr 1092 (Chapter 79)
- HB 402**, relative to placing lime and wood ash on farmland. (Environment)
321, psd 804, 832, enr am 897-898, enr 1007 (Chapter 58)
- HB 406**, relative to modification of support orders. (Judiciary)
799, am 1110-1111, psd 1122, H conc 1148, enr 2162 (Chapter 233)
- HB 407**, relative to failure to report injuries resulting from criminal acts. (Judiciary)
542, psd 918-919, 956, enr 1007 (Chapter 59)
- HB 409-FN-A**, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor. (Economic Development)
321, am 1157-1158, psd 1200, H conc 1434, enr 2161 (Chapter 234)
- HB 413-FN**, relative to penalties for insurance laws violations. (Insurance)
696, psd 986-987, 1006, enr 1139 (Chapter 136)
- HB 414**, relative to unfair claim settlement practices. (Insurance)
321, psd 807, 832, enr 873 (Chapter 26)
- HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor. (Judiciary)
New title: relative to drug-free school zones and making appropriations therefor and establishing a committee to study certain issues related to drug-free zones.
868, am 1382-1386, psd 1431, H nonconc, conf 1439, rep adop 2108-2110, 2232, enr am 2274, enr 2339 (Chapter 364)
- HB 419**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Wildlife and Recreation)
321, psd 1133, 1143, enr 1197 (Chapter 137)
- HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor. (Capital Budget)
872, psd 1326-1327, 1431, enr 2162 (Chapter 235)
- HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration. (Ways and Means)
269, LT 821-823, am 887-892, psd 900, H nonconc, conf 1057, rep adop 1121, 1139, enr 1424 (Chapter 163)
- HB 429**, relative to the salaries of county attorneys. (Executive Departments)
New title: relative to the salaries of county attorneys and relative to prior service as an employee of a political subdivision.
799, am 1346-1347, psd 1431, H conc 1560, enr 2161 (Chapter 236)
- HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements. (Education)
868, psd 1100-1101, 1122, enr 1197 (Chapter 138)
- HB 433**, establishing a developmentally delayed category. (Public Institutions, Health & Human Services)
696, psd 936, 956, enr am 1003, enr 1092 (Chapter 80)
- HB 434**, relative to the procedure for planning boards to revoke approval of recorded plats. (Executive Departments)
696, psd 1454-1455, 1550, enr 1663 (Chapter 237)
- HB 436-FN**, making the purchase, possession, and control of child pornography a misdemeanor. (Judiciary)
321, psd 843, 870, enr 898 (Chapter 27)
- HB 441**, relative to the uniform limited offering exemption from securities registration and filing requirements. (Banks)
799, psd 1097, 1123, enr 1144 (Chapter 139)

- HB 442-FN**, authorizing the commissioner of agriculture to establish minimum price rates for small producers. (Environment)
799, psd 1125-1129, 1143, enr 1144 (Chapter 140)
- HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to pesticide applications. (Environment)
873, am 1451-1454, psd 1550, H conc 1664, enr am 2187-2188, enr 2239 (Chapter 303)
- HB 445-FN**, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers. (Judiciary)
696, am 964-965, psd 1006, H conc 1145, enr 1424 (Chapter 164)
- HB 447**, relative to bulk commodities. (Public Affairs)
800, am 1113, psd 1123, H conc 1238, enr 1444 (Chapter 165)
- HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor. (Capital Budget)
872, psd 1019, 1059, enr 1093 (Chapter 81)
- HB 450**, relative to claims to dower and curtesy. (Judiciary)
542, psd 1111-1112, 1123, enr 1144 (Chapter 141)
- HB 451-FN**, relative to the licensing of residential care and health facilities. (Public Institutions, Health & Human Services)
New title: relative to the licensing of residential care and health facilities and establishing a study committee on the Patients' Bill of Rights.
697, am & Finance 1219-1222, psd 1513, 1550, H nonconc, conf 1981-1982, rep adop 2111-2113, 2232, enr am 2274-2275, enr 2339 (Chapter 365)
- HB 452-FN**, relative to solicitation of prostitutes. (Judiciary)
542, am 919, psd 956, H conc 1057, enr 1093 (Chapter 82)
- HB 454**, relative to safe deposit boxes. (Banks)
322, psd 892-893, 900, enr 1007 (Chapter 60)
- HB 455**, relative to determination of amount of alimony awards. (Judiciary)
697, K 965
- HB 456-FN**, prohibiting bear baiting. (Wildlife and Recreation)
800, rules suspended & LT 1231-1232
- HB 458**, relative to the composition of the wetlands board. (Environment)
543, psd 1263, 1431, enr 1622 (Chapter 238)
- HB 459**, relative to notice received by the wetlands board from local conservation commissions. (Environment)
322, psd 804-805, 832, enr 873 (Chapter 28)
- HB 460-FN**, relative to the health data advisory committee. (Public Institutions, Health & Human Services)
322, am 845-846, psd 870, H conc 1057, enr 1093 (Chapter 83)
- HB 461-FN**, relative to notice for out of district placement by the court. (Judiciary)
697, am 965-966, psd 1006, H nonconc, conf 1209, rep adop 2113-2114, 2232, enr 2240 (Chapter 324)
- HB 462**, relative to special education hearing officers. (Education)
697, am 1252-1253, psd 1431, H nonconc, conf 1556, rep adop 2114-2115, 2232, enr 2240 (Chapter 325)
- HB 463**, relative to rulemaking for the board of education. (Executive Departments)
873, am (2 RC's) 1347-1355, recon rej 1429, psd 1431, H nonconc, conf 1555 (K)
- HB 465**, relative to a veterans' cemetery at the Pease Air Force facilities under the Pease development authority. (Economic Development)
800, psd 912, 956, enr 1008 (Chapter 61)



- HB 475-FN**, relative to appointment of banking department assistants, and to the performance of contract services by the banking department, and to assessing the costs of bank examinations. (Banks)
697, psd 959, 1006, enr 1092 (Chapter 84)
- HB 478-FN**, relative to the emergency shelter program. (Public Institutions, Health & Human Services)
322, psd 846, 870, enr 898 (Chapter 29)
- HB 481-FN**, allowing nursing home administrators to file for disposition of a deceased individual's estate. (Public Institutions, Health & Human Services)
New title: relative to disposition of a deceased individual's estate.
543, am 846-847, psd 870, H conc 1057, enr 1093 (Chapter 85)
- HB 482-FN**, relative to temporary guardianships. (Judiciary)
800, K 1112
- HB 484-FN**, relative to when electric companies are public utilities and affiliates of public utilities. (Executive Departments)
322, LT 917-918, psd 1004-1005, 1006, enr 1092 (Chapter 86)
- HB 485**, relative to living wills. (Judiciary)
697, psd (RC) 1159-1171, 1200, enr 1663 (Chapter 239)
- HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles. (Transportation)
543, am 848-849, psd 870, H nonconc, conf 1207-1208, rep adop 2115-2116, 2232, enr am 2275, enr 2339 (Chapter 366)
- HB 488-FN**, relative to the flexible spending programs. (Finance)
872, am 1974-1977, psd 2076, H nonconc, conf 2079-2080, LT 2116, rep adop 2191-2192, 2232, enr 2240 (Chapter 326)
- HB 490-FN**, relative to continuation of state health and dental insurance benefits for state employees called for active duty as a result of Operation Desert Storm. (Insurance)
New title: relative to continuation of state health and dental insurance benefits for state employees called for active duty between August 2, 1990, and March 15, 1991.
322, am 841-842, psd 870, H conc 1057, enr 1093 (Chapter 87)
- HB 491-FN**, relative to the collection of the normal yield tax in unincorporated towns and unorganized places. (Environment)
322, psd 805, 832, enr 898 (Chapter 30)
- HB 492-FN**, relative to conservation restriction assessments. (Environment)
697, psd 912-913, 956, enr 1008 (Chapter 62)
- HB 493-FN**, relative to the design review fees for sewerage and wastewater projects. (Environment)
269, psd 1263-1264, 1431, enr 1623 (Chapter 240)
- HB 496-FN**, relative to administrative fines for marine pollution. (Environment)
697, psd 913, 956, enr 1008 (Chapter 63)
- HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor. (Public Institutions, Health & Human Services)
322, Finance 1225-1227, am 1561-1563, psd 1656, H nonconc, conf 1982, rep adop 2116-2118, 2232, enr 2240 (Chapter 327)
- HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities. (Environment)
697, LT 1264-1267, am 1397-1400, psd 1431, H nonconc, conf 1556-1557, LT 2118-2119, rep rej & new rep req 2192-2193, 2268-2269, rep adop 2269-2270, 2275, 2312, enr 2338 (Chapter 367)
- HB 513-FN**, relative to the eminent domain procedure act and unpaid taxes. (Executive Departments)
697, rules suspended & psd 1366, 1431, enr 2161 (Chapter 241)

- HB 514-FN**, relative to special town meetings. (Public Affairs)
697, psd 1113-1114, 1123, enr 1424 (Chapter 166)
- HB 515-FN**, giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners. (Environment)
New title: giving legislative approval to the land conservation investment program to accept certain dams and continually appropriating the dam maintenance fund.
868, am 1267-1269, psd 1431, H nonconc, conf 1439-1440, rep adop 2119-2121, 2232, enr am 2275, enr 2339 (Chapter 368)
- HB 516**, relative to library trustees' authority to accept gifts. (Public Affairs)
697, psd 844, 871, enr 898 (Chapter 31)
- HB 517-FN**, relative to watercraft safety. (Wildlife and Recreation)
New title: relative to watercraft safety and moorings.
697, LT 1194-1196, am & LT 1411-1416, am 1543-1544, psd 1550, H conc 1624 (H recalled & am) conc H am 2275, enr 2338 (Chapter 369)
- HB 519-FN**, relative to municipal budget matters and the timber tax. (Ways and Means)
697, am 1054-1056, psd 1059, H conc 1145, enr 1444 (Chapter 167)
- HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations. (Executive Departments)
697, am 1455-1456, psd 1550, H nonconc, conf 1661-1662, rep adop 2122, 2232, enr 2240 (Chapter 328)
- HB 525-FN**, relative to appealing recounts in town elections. (Public Affairs)
322, rules suspended & K 1533-1534
- HB 530-FN**, relative to marital arbitration. (Judiciary)
697, am 919-920, psd 956, H conc 1057, enr 1093 (Chapter 88)
- HB 531-FN**, relative to personal care for the severely physically disabled. (Public Institutions, Health & Human Services)
322, psd 818-819, 832, enr 873 (Chapter 32)
- HB 532**, relative to the color of ballots used in municipal elections. (Public Affairs)
New title: relative to the color of ballots used in municipal elections and relative to the time for holding town and district business meetings and elections.
322, am 1525-1527, psd 1550, H nonconc, conf 1662-1663, rep adop 2122-2124, 2232, enr am 2304-2305, enr 2337 (Chapter 370)
- HB 539-FN-A**, relative to a committee to study the uninsurable and making an appropriation therefor. (Insurance)
868, psd 1020-1021, 1060, enr 1094 (Chapter 89)
- HB 542**, relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article. (Public Affairs)
800, psd 1527, 1550, enr 2082 (Chapter 242)
- HB 544**, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members. (Public Affairs)
322, am 1183-1186, psd 1200, H conc 1434, enr 2162 (Chapter 243)
- HB 547-FN**, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns. (Executive Departments)
800, rules suspended & psd 1367, 1431, enr 1623 (Chapter 244)
- HB 548**, relative to the information required on checklists. (Public Affairs)
800, psd 1527-1528, 1550, enr 2162 (Chapter 245)
- HB 549-FN**, relative to early retirement for state employee group I members of the retirement system. (Insurance)
868, LT 1518-1520, com changed 2060-2061, rules suspended & am 2418-2428, psd 2434 (K)

- HB 550-FN**, relative to the withdrawal of accumulated contributions and retirement system membership. (Insurance)
869, psd 1069-1070, 1091, enr 1140 (Chapter 142)
- HB 551**, relative to the distribution of taxes from towns to village districts. (Ways and Means)
697, psd 1056, 1060, enr 1094 (Chapter 90)
- HB 553-FN**, relative to the Bridge Street Bridge over Storrs Street in the city of Concord. (Capital Budget)
697, psd 1019-1020, 1060, enr 1093 (Chapter 91)
- HB 555**, limiting horsepower on Big Pea Porridge Pond. (Wildlife and Recreation)
543, psd 856, 871, enr 898 (Chapter 33)
- HB 559-FN**, relative to commercial and recreational fisheries. (Wildlife and Recreation)
543, psd 1196, 1200, enr 1446 (Chapter 198)
- HB 560-FN**, relative to bacteriological standards and reclassifying certain waters. (Environment)
First new title: relative to bacteriological standards and reclassifying certain waters and relative to the sale of certain batteries.
Second new title: relative to bacteriological standards and reclassifying certain waters and establishing a study committee to examine the issue of recreational mining in the state's rivers.
698, am 1270-1273, psd 1431, H nonconc, conf 1440, rep adop 2124-2126, 2232, enr am 2305, enr 2337 (Chapter 371)
- HB 561**, enabling towns to limit reconsideration of town meeting votes. (Public Affairs)
800, LT 999, psd 1972-1973, 2076, enr 2161 (Chapter 284)
- HB 563-FN**, relative to the creation of trust funds and relative to unanticipated school funds. (Education)
698, rcmt 1101, am 1253-1254, psd 1431, H nonconc, conf 1555-1556, rep adop 2126-2127, 2232, enr 2240 (Chapter 329)
- HB 565-FN**, relative to marine oil spill response, oil spillage in surface waters or groundwaters and underground storage tanks. (Environment)
698, psd 838-839, 871, enr am 1003-1004, enr 1092 (Chapter 92)
- HB 567**, relative to stepparent's visitation rights. (Judiciary)
698, am 920-922, psd 956, H conc 1057, enr 1094 (Chapter 93)
- HB 571-FN**, relative to multiple-employer welfare arrangements. (Public Institutions, Health & Human Services)
698, com changed 802, am 1373-1378, psd 1431, H conc 1560, enr 2162 (Chapter 246)
- HB 572**, relative to exclusions in automobile insurance. (Insurance)
698, am 1021-1022, psd 1060, H nonconc, conf 1208, rep adop 2127-2128, 2232, enr 2240 (Chapter 330)
- HB 573**, relative to unauthorized insurance. (Insurance)
322, psd 987, 1006, enr 1092 (Chapter 94)
- HB 574-FN**, relative to managing general agents. (Insurance)
800, psd 987, 1006, enr 1093 (Chapter 95)
- HB 575**, relative to liquidation and rehabilitation of insurance companies. (Insurance)
698, psd 987-988, 1006, enr 1093 (Chapter 96)
- HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. (Insurance)
698, am 1378-1380, psd 1431, H nonconc, conf 1557, rep adop 2128-2129, 2232, enr am 2306, enr 2338 (Chapter 372)

- HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board. (Executive Departments)
New title: relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board and relative to the Pease development authority.
 698, am 1456-1457, psd 1550, H nonconc, conf 1661, rep adop 2129-2130, 2232, enr 2240 (Chapter 331)
- HB 578**, establishing an advisory committee on Governors state park in Laconia. (Wildlife and Recreation)
 322, am 856-858, psd 871, H conc 958, enr 1094 (Chapter 97)
- HB 579**, relative to municipal charters. (Public Affairs)
 800, am 1186-1190, psd 1200, H conc 1560, enr am 2164-2165, enr 2239 (Chapter 304)
- HB 580**, relative to insurance rebates and automobile financing. (Insurance)
 800, psd 988, 1006, enr 1093 (Chapter 98)
- HB 581**, relative to personal property of tenants. (Executive Departments)
New title: relative to enforcement of default judgments against tenants and relative to personal property of tenants.
 543, am 1458-1459, psd 1550, H nonconc, conf 1661, rep adop 2130, 2233, enr am 2306, enr 2337 (Chapter 373)
- HB 583-FN**, relative to carrying pistols and revolvers. (Wildlife and Recreation)
 800, LT 1393-1394, am 1534-1538, psd 1550 (K)
- HB 589-FN**, relative to holding companies. (Insurance)
 800, psd 988-989, 1006, enr 1093 (Chapter 99)
- HB 592-FN-A**, relative to court fees. (Ways and Means)
 872, K 1948-1949
- HB 593-FN-A**, relative to the rate of the business profits tax. (Ways and Means)
 269, am (RC) 430-437, psd 540, H nonconc, conf 537, 545, rep adop 587-588, 590, enr 796 (Chapter 5)
- HB 595-FN**, relative to citations for building code and land use violations. (Judiciary)
 800, am 1386-1387, psd 1431, H nonconc, conf 1440, rep adop 2130-2131, 2233, enr am 2306, enr 2337 (Chapter 374)
- HB 597-FN**, relative to licensing of nurses. (Executive Departments)
 322, psd 840-841, 871, enr 898 (Chapter 34)
- HB 603-FN**, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts. (Executive Departments)
First new title: to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts and establishing a commission to study and recommend elimination of state-mandated programs.
Second new title: to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.
 800, LT 1459, am 1538-1543, psd 1550, H nonconc, conf 1662, rep adop 2131-2132, 2233, enr am 2306, enr 2337 (Chapter 389)
- HB 604**, granting rulemaking authority to the division of waste management relative to special waste and defining special waste. (Environment)
 698, am 1129, psd 1143, H conc 1238, enr 1444 (Chapter 168)
- HB 607**, permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts. (Insurance)
First new title: permitting actions for damages resulting from violations of workers compensation laws by bidders on construction contracts and relative to tort immunity for self-insured pools.
Second new title: permitting actions for damages resulting from violations of workers compensation laws by bidders on construction contracts, relative to tort immunity for

self-insured pools and increasing the size of the compensation appeals board.
698, am 1070-1071, psd 1091, H nonconc, conf 1239-1240, rep adop 2132-2134, 2233, enr am 2307, enr 2337 (Chapter 376)

HB 608-FN, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands. (Judiciary)
956, rules suspended & psd 1232, 1237, enr am 2165-2166, enr 2239 (Chapter 305)

HB 610-FN, establishing a committee to study how the department of administrative services may efficiently collect the fines and fees imposed by the state. (Executive Departments)
New title: establishing a committee to study means of approving programs for collecting the fines and fees imposed by the state.
698, am 1459-1460, psd 1551, H conc 1624, enr 2161 (Chapter 285)

HB 611-FN, relative to plastic holding devices used in packaging. (Environment)
869, am 1274-1275, psd 1432, H nonconc, conf 1441, rep adop 2134-2136, 2233, enr 2240 (Chapter 332)

HB 613-FN, relative to the procedures of the certificate of need board. (Public Institutions, Health & Human Services)
698, am 1222-1223, psd 1237, H nonconc, conf 1441, LT 2136-2138, rep adop 2193-2195, 2233, enr 2240 (Chapter 333)

HB 617-FN, relative to fishing permits for certain head-injured persons. (Wildlife and Recreation)
543, am 1196-1197, psd 1200, H conc 1238, enr 2162 (Chapter 247)

HB 619-FN, relative to central business districts. (Economic Development)
New title: relative to central business districts and the community development finance authority.
322, am 1209-1219, psd 1237, H nonconc, conf 1441-1442, new rep req 2138-2139, rep adop 2186-2187, 2233, enr 2313 (Chapter 334)

HB 620-FN, relative to the transportation of alcohol in open containers. (Transportation)
543, rcmt (RC) 1036-1040, remarks 1090-1091, am 1131-1133, psd 1143, H conc 1238, enr 1623 (Chapter 207)

HB 621-FN, relative to voting by absentee ballot. (Public Affairs)
800, am 1528-1529, psd 1551 (K)

HB 622-FN, relative to a debt management plan. (Capital Budget)
956, com changed 1004, psd 1977, 2076, enr 2239 (Chapter 335)

HB 624-FN, relative to removing candidates' signs after an election. (Public Affairs)
800, K 1529-1532

HB 625-FN, relative to hearings on tax abatements for property taxes. (Internal Affairs)
800, rcmt 1073-1074, rules suspended & K 1396

HB 627-FN, relative to the treatment of repeat DWI offenders. (Transportation)
698, am 1040-1043, psd 1060, recon notice 1069, recon & Finance 1133, psd 1969-1970, 2076, H nonconc, conf 2080, rep adop 2139-2142, 2233, enr 2240 (Chapter 336)

HB 629-FN, establishing a task force on congregate housing. (Public Affairs)
543, am 844-845, psd 871, H conc 958, enr 1008 (Chapter 100)

HB 633-FN, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes. (Executive Departments)
698, psd 1460-1461, 1551, enr am 2307-2311, enr 2338 (Chapter 377)

HB 635-FN, authorizing the house judiciary committee to study misdemeanors and misdemeanor sentencing. (Judiciary)
699, K 966

HB 637-FN, relative to insurance fraud. (Insurance)
322, am 1158, psd 1200, H conc 1434, enr 1623 (Chapter 248)

- HB 638-FN**, relative to credit for reinsurance. (Insurance)
699, psd 989, 1006, enr 1123 (Chapter 114)
- HB 648-FN**, relative to the industrial development authority and the housing finance authority. (Economic Development)
New title: establishing the New Hampshire economic development commission.
869, am 1243-1249, psd 1432, H nonconc, conf 1557, rep adop 2142-2143, 2233, enr 2240 (Chapter 337)
- HB 649-FN**, relative to the cigarette tax. (Ways and Means)
869, psd (RC) 1949-1955, 2076, enr 2161, H sustained veto 2415
- HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration. (Internal Affairs)
800, rules suspended & psd 1396-1397, 1432, enr am 2166-2167, enr 2239 (Chapter 306)
- HB 653**, relative to defense and indemnification of state officers and employees. (Judiciary)
699, psd 1171, 1200, enr 1446 (Chapter 199)
- HB 655-FN**, relative to statistical reports. (Education)
801, psd 1101-1102, 1123, enr am 1198, enr 1444 (Chapter 169)
- HB 656-FN**, relative to criminal mischief. (Judiciary)
543, psd 811, 832, enr 873 (Chapter 35)
- HB 658-FN**, relative to uninsured or hit-and-run motor vehicle coverage. (Insurance)
801, rules suspended & K 1232
- HB 659-FN**, relative to legal representation in eviction proceedings. (Judiciary)
543, K 967
- HB 660-FN-A**, establishing a highway and bridge betterment program and making an appropriation therefor. (Capital Budget)
New title: establishing a highway and bridge betterment program and continually appropriating the highway and bridge betterment account.
869, am (RC) 1327-1332, psd 1432, H conc 1560, enr 1663 (Chapter 249)
- HB 661-FN**, allowing annulments of criminal records of persons who served a term of imprisonment. (Judiciary)
699, K 1171
- HB 666-FN**, relative to protection and control of municipal highways. (Transportation)
699, rcmt 849, LT 1081-1082
- HB 667-FN**, relative to clean-up of health nuisances. (Executive Departments)
801, rules suspended & psd 1367-1369, 1432, enr 1623 (Chapter 208)
- HB 669-FN**, relative to the borrowing authority of the state treasurer. (Finance)
New title: relative to the borrowing authority of the state treasurer and relative to the industrial development authority and the housing finance authority.
869, am 1977-1981, psd 2076, H nonconc, conf 2080-2081, rep adop 2401-2404, 2415, enr 2434 (Chapter 378)
- HB 670-FN**, relative to condominium conversion of manufactured housing parks. (Public Affairs)
801, psd 1022, 1060, enr 1140 (Chapter 143)
- HB 672-FN**, relative to standards for fire safety for community living facilities. (Public Institutions, Health & Human Services)
543, psd 936-937, 956, enr 1008 (Chapter 64)
- HB 673-FN**, reinstating the charter of Capitol Leasing Company, Inc. and of Hagen and Spegiali, Inc. (Internal Affairs)
699, psd 1074, 1091, enr 1123 (Chapter 115)

- HB 674-FN**, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. (Environment)
699, am (RC) 1275-1290, recon rej 1429, psd 1432, H conc 1561, enr am 2167, enr 2239 (Chapter 338)
- HB 676-FN**, relative to notice of discontinuance of class IV, V or VI highways. (Transportation)
699, psd 849-850, 871, enr 898 (Chapter 36)
- HB 680-FN**, relative to manufactured housing on the land of another. (Ways and Means)
801, psd 1576-1582, 1656, enr 2163 (Chapter 293)
- HB 683-FN-A**, establishing a transportation task force for the twenty-first century and making an appropriation therefor. (Transportation)
322, am 1043-1044, psd 1060, H conc 1145, enr am 1545, enr 2081 (Chapter 250)
- HB 684-FN-A**, regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor. (Internal Affairs)
543, am 1074-1075, psd 1091, H conc 1148, enr 1444 (Chapter 170)
- HB 685-FN**, relative to fiscal notes. (Internal Affairs)
323, LT 842-843, K 1973-1974
- HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports. (Transportation)
869, am 1114-1115, psd 1123, H nonconc, conf 1205-1206, rep adop 2143-2149, 2233, enr 2240 (Chapter 307)
- HB 691-FN**, relative to licensing and certification of real estate appraisers and licensing private detectives. (Executive Departments)
699, psd 1461, 1551, enr am 2167-2168, enr 2239 (Chapter 308)
- HB 692-FN**, relative to reinsurance intermediaries. (Insurance)
699, psd 989, 1006, enr am 1236, enr 1446 (Chapter 200)
- HB 696-FN**, relative to penalties for the sale and distribution of tobacco products to minors. (Judiciary)
323, K 1387-1391
- HB 700-FN**, relative to highway planning corridors. (Transportation)
323, rules suspended & LT 1233-1236, rcmt 1421-1423, LT 1564-1566, am 1971-1972, psd 2076, H conc 2084, enr am 2168, enr 2239 (Chapter 309)
- HB 701-FN**, relative to protecting personal privacy. (Judiciary)
801, K 1172
- HB 702**, relative to designated smoking sections in certain buildings and offices. (Public Institutions, Health & Human Services)
699, K 937
- HB 703-FN**, relative to the negligent discharge of firearms. (Wildlife and Recreation)
323, psd 830, 832, enr 873 (Chapter 37)
- HB 704**, relative to liquidation under the supervision of the bank commissioner. (Banks)
699, rcmt 905-910, am 1149-1156, recon & am 1199-1200, psd 1200, H conc 1561, enr 2162 (Chapter 251)
- HB 705-FN-A**, establishing the New Hampshire scenic byways planning program. (Transportation)
323, Capital Budget 1082-1086, psd 1332-1333, 1432, enr 2081 (Chapter 209)
- HB 706-FN**, relative to the allowable length of semi-trailers. (Transportation)
699, SO 850, psd & remarks 874-877, 900, enr 957 (Chapter 45)
- HB 707-FN**, relative to contracts for services other than counsel. (Judiciary)
New title: relative to contracts for stenographic and clerical services for indigent defense.
543, am 811-812, psd 832, H conc 874, enr 957 (Chapter 46)

- HB 709-FN**, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters. (Environment)
New title: establishing a study committee relative to clearcutting forest resources, extending the effective date for rulemaking by the board of licensing for foresters, and relative to notices of intent to cut.
801, am 1290-1292, psd 1432, H nonconc, conf 1442, rep adop 2149-2151, 2233, enr am 2311, enr 2338 (Chapter 375)
- HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds. (Wildlife and Recreation)
801, psd 1133, 1143, enr 1197 (Chapter 144)
- HB 711-FN**, extending the reporting date for the committee to study child care in public and private sector buildings. (Public Institutions, Health & Human Services)
323, psd 819, 832, enr 873 (Chapter 38)
- HB 713-FN**, relative to the general counsel of the public utilities commission. (Executive Departments)
323, am 1356, psd 1432, H nonconc, conf 1557-1558, rep adop 2151, 2233, enr 2240 (Chapter 339)
- HB 715-FN**, relative to the right to jury trial in civil cases. (Judiciary)
543, am 812, psd 832, H conc 874, enr 957 (Chapter 47)
- HB 717-FN**, permitting the designation by a vehicle owner of a vehicle's recipient upon the owner's death. (Judiciary)
699, K 1112-1113
- HB 720-FN**, relative to fireworks. (Executive Departments)
956, rcmt 1356-1357, am (RC) 1462-1478, psd 1551, H conc 1624, enr 2161 (Chapter 286)
- HB 722-FN**, relative to the control and regulation of billboards and other advertising devices and establishing an outdoor advertising study committee. (Transportation)
323, am 1044-1051, psd 1060, H nonconc 1139
- HB 723-FN**, relative to Concord - state cooperation. (Internal Affairs)
801, psd 1075-1079, 1091, enr 1123 (Chapter 116)
- HB 727-FN**, relative to DWI testing, motor vehicle records fees, and commercial driver licenses. (Transportation)
New title: relative to DWI testing and commercial driver licenses.
873, am & Finance 1115-1117, am 1970, psd 2076, H conc 2084, enr 2163 (Chapter 294)
- HB 733-FN**, establishing a study committee to study public assistance. (Public Institutions, Health & Human Services)
699, am 1223-1224, psd 1237, H nonconc 1435
- HB 736-FN**, relative to energy facility siting, licensing and operation. (Executive Departments)
801, am 1478-1493, psd 1551, H conc 1624, enr 2163 (Chapter 295)
- HB 742-FN**, relative to excavation. (Environment)
699, am 1293-1301, psd 1432, H conc 1561, enr am 2168, enr 2239 (Chapter 310)
- HB 743-FN**, relative to listing representatives to the general court on the ballot. (Public Affairs)
801, LT 999, psd 1086-1087, 1091, enr 1123 (Chapter 117)
- HB 745-FN**, relative to sewage disposal systems. (Environment)
New title: relative to sewage disposal systems and continually appropriating the sewage disposal system fund.
869, am 1301-1302, psd 1432, H nonconc, conf 1442, rep adop 2151-2153, 2233, enr am 2311-2312, enr 2338 (Chapter 379)

- HB 746-FN**, relative to procedures and fees for recording certain documents with town or city clerks. (Public Affairs)
New title: relative to fees for recording certain documents with town or city clerks.
699, am 1190-1191, psd 1201, H conc 1434, enr 2162 (Chapter 252)
- HB 750-FN**, establishing a committee to study the development of a waste tire management program. (Environment)
700, am 1302-1303, psd 1432, H conc 1561, enr 2162 (Chapter 253)
- HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws. (Environment)
700, am 1303-1306, psd 1432, H nonconc, conf 1442-1443, rep adop 2153-2156, 2233, enr 2239 (Chapter 340)
- HB 752-FN**, prohibiting merchants from requiring the recording of a credit card number or expiration date as a condition for check cashing or acceptance. (Banks)
700, psd 911-912, 956, enr 1008 (Chapter 65)
- HB 753-FN**, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate. (Environment)
700, psd 1306, 1432, enr 2081 (Chapter 210)
- HB 754-FN**, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes. (Public Affairs)
801, psd 1532, 1551, enr 1663 (Chapter 254)
- HB 756-FN**, relative to a victims' bill of rights. (Judiciary)
700, am 922-923, psd 956, H conc 958, enr 957 (Chapter 39)
- HB 757-FN**, repealing the law relative to employment offices. (Executive Departments)
801, am 1493, psd 1551, H conc 1624, enr 2163 (Chapter 296)
- HB 761-FN**, relative to leasing certain state land. (Executive Departments)
323, am 1357, psd 1432, H nonconc, conf 1443, rep adop 2157, 2233, enr 2241 (Chapter 341)
- HB 767**, relative to access to group health insurance policies. (Insurance)
New title: to study access to group health insurance policies.
700, am 1105-1106, psd 1123, H conc 1149, enr 1444 (Chapter 171)
- HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits. (Insurance)
323, Finance 842, psd 1563-1564, 1656, enr am 2168, enr 2239 (Chapter 311)
- HB 771-FN**, relative to sentencing and parole. (Judiciary)
New title: relative to revocation of parole and reparole.
700, am 1172-1173, psd 1201, H nonconc, conf 1443, rep adop 2157-2158, 2233, enr 2238 (Chapter 342)
- HB 780-FN**, relative to water treatment plant operators and fees for water system permits. (Environment)
New title: relative to water treatment plant operators and fees for water system permits and continually appropriating a special fund to the division of water supply and pollution control.
869, am 1306-1307, psd 1432, H nonconc, conf 1444, rep adop 2158-2159, 2233, enr am 2312, enr 2338 (Chapter 380)
- HB 784-FN**, creating a long-range construction program for New Hampshire's highways and highway bridges. (Transportation)
700, Capital Budget 850, am 1610-1615, psd 1657, H nonconc, conf 1982-1983, LT 2159, rep adop 2195-2196, 2233, enr am 2312, enr 2338 (Chapter 381)

HB 785-FN-A, relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor.
intro & LT 2084-2085

HOUSE JOINT RESOLUTIONS

HJR 1, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. (Inter-state Cooperation)
700, psd 1080-1081, 1092, enr 1140 (Chapter 154)

HJR 2, providing that the Kona Wildlife Management Area shall be forever managed by the state of New Hampshire in a manner so as to protect its habitats. (Wildlife and Recreation)
269, psd 536, 540, enr 693 (Chapter 6)

HJR 3, requesting the university cooperative extension service to continue to work with the governor's commission on the 21st century. (Education)
700, psd 878, 900, enr 1008 (Chapter 66)

HJR 4, relative to providing access to Flat Mountain Pond for members of the public. (Wildlife and Recreation)
700, am 1394-1396, psd 1432, H conc 1561, enr 2081 (Chapter 278)

HJR 5, urging Congress to place a moratorium on changes in the current medicaid regulations to ensure that New Hampshire's medicaid enhancement fund is fully funded for fiscal years 1992 and 1993
2471

HOUSE CONCURRENT RESOLUTIONS

HCR 2, urging Congress to propose a constitutional amendment requiring a balanced federal budget. (Internal Affairs)
323, adop 1079, 1092

HCR 3, supporting the building of a fire academy. (Executive Departments)
269, adop 913, 956

HCR 4, supporting the U.S. troops in the Persian Gulf.
intro, rules suspended & adop 88-89, 91

HCR 5, honoring the village of Hill on its fiftieth anniversary.
rules suspended, intro & adop 260-261

HCR 7, adopting a bill of rights for children. (Judiciary)
323, K (RC) 967-984

HCR 8, urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events to allow another television channel to provide such coverage to broadcast from the Mt. Washington summit. (Public Affairs)
323, LT 1533, adop 2160-2161, 2169

HCR 9, relative to universal access to health care. (Public Institutions, Health & Human Services)
700, K (RC) 924-931

HCR 10, requesting Congress to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. (Executive Departments)
543, adop 913-914, 956

HCR 11, relative to abortion drug RU486. (Judiciary)
801, adop (RC) 1308-1324, 1433

HCR 12, concerning the use of automatic dialing devices for telephone solicitation purposes. (Public Affairs)
700, adop 1114, 1123

HCR 13, calling for a delay in the implementation of the Internal Revenue Service advisory opinion on mileage reimbursement for members of the general court.
rules suspended, intro & adop 544, 589

HCR 14, adopting joint rules relative to committees of conference.
intro LT 1561

CONSTITUTIONAL AMENDMENTS

CONCURRENT RESOLUTIONS

CACR 7, relating to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices. (Internal Affairs)
323, LT 656-660, adop (RC) 1400-1408, 1432, enr 1623

CACR 11, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Judiciary)
700, adop 984-986, 1006, enr 1124

CACR 12, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. (Executive Departments)
700, adop 1358, 1432, enr 2163

TABLE OF REFERENCES

FROM CHAPTER OF 1991 LAWS

TO BILL NUMBERS

Chapter	Bill	Chapter	Bill	Chapter	Bill
1	HB 51	51	HB 255	101	SB 1
2	HB 125	52	HB 256	102	SB 2
3	HB 179	53	HB 259	103	SB 15
4	HB 50	54	HB 292	104	SB 25
5	HB 593	55	HB 313	105	SB 29
6	HJR 2	56	HB 368	106	SB 40
7	HB 202	57	HB 396	107	SB 52
8	HB 103	58	HB 402	108	SB 106
9	HB 106	59	HB 407	109	SB 123
10	HB 117	60	HB 454	110	SB 143
11	HB 132	61	HB 465	111	HB 305
12	HB 138	62	HB 492	112	HB 310
13	HB 153	63	HB 496	113	HB 340
14	HB 162	64	HB 672	114	HB 638
15	HB 167	65	HB 752	115	HB 673
16	HB 185	66	HJR 3	116	HB 723
17	HB 186	67	SB 228	117	HB 743
18	HB 240	68	SB 100	118	SB 13
19	HB 253	69	HB 52	119	SB 24
20	HB 270	70	HB 120	120	SB 82
21	HB 288	71	HB 174	121	SB 109
22	HB 290	72	HB 278	122	SB 178
23	HB 333	73	HB 335	123	HB 118
24	HB 351	74	HB 339	124	HB 168
25	HB 375	75	HB 350	125	HB 175
26	HB 414	76	HB 364	126	HB 187
27	HB 436	77	HB 373	127	HB 213
28	HB 459	78	HB 397	128	HB 221
29	HB 478	79	HB 398	129	HB 275
30	HB 491	80	HB 433	130	HB 319
31	HB 516	81	HB 448	131	HB 329
32	HB 531	82	HB 452	132	HB 361
33	HB 555	83	HB 460	133	HB 362
34	HB 597	84	HB 475	134	HB 372
35	HB 656	85	HB 481	135	HB 381
36	HB 676	86	HB 484	136	HB 413
37	HB 703	87	HB 490	137	HB 419
38	HB 711	88	HB 530	138	HB 431
39	HB 756	89	HB 539	139	HB 441
40	HB 53	90	HB 551	140	HB 442
41	HB 121	91	HB 553	141	HB 450
42	HB 183	92	HB 565	142	HB 550
43	HB 188	93	HB 567	143	HB 670
44	HB 356	94	HB 573	144	HB 710
45	HB 706	95	HB 574	145	SB 4
46	HB 707	96	HB 575	146	SB 66
47	HB 715	97	HB 578	147	SB 70
48	HB 114	98	HB 580	148	SB 89
49	HB 170	99	HB 589	149	SB 101
50	HB 180	100	HB 629	150	SB 135

TABLE OF REFERENCES (cont.)

Chapter	Bill	Chapter	Bill	Chapter	Bill
151	SB 139	201	SB 32	251	HB 704
152	SB 144	202	SB 71	252	HB 746
153	SB 152	203	SB 150	253	HB 750
154	HJR 1	204	SB 202	254	HB 754
155	HB 113	205	SB 224	255	SB 3
156	HB 169	206	SB 229	256	SB 5
157	HB 173	207	HB 620	257	SB 10
158	HB 184	208	HB 667	258	SB 11
159	HB 208	209	HB 705	259	SB 14
160	HB 209	210	HB 753	260	SB 28
161	HB 244	211	SB 7	261	SB 37
162	HB 386	212	SB 9	262	SB 41
163	HB 428	213	SB 115	263	SB 55
164	HB 445	214	SB 125	264	SB 57
165	HB 447	215	HB 111	265	SB 61
166	HB 514	216	HB 116	266	SB 67
167	HB 519	217	HB 133	267	SB 85
168	HB 604	218	HB 147	268	SB 102
169	HB 655	219	HB 154	269	SB 118
170	HB 684	220	HB 166	270	SB 155
171	HB 767	221	HB 212	271	SB 157
172	SB 19	222	HB 224	272	SB 158
173	SB 33	223	HB 243	273	SB 165
174	SB 43	224	HB 245	274	SB 171
175	SB 47	225	HB 257	275	SB 185
176	SB 49	226	HB 262	276	SB 189
177	SB 64	227	HB 269	277	SB 214
178	SB 74	228	HB 276	278	HJR 4
179	SB 78	229	HB 289	279	SB 170
180	SB 79	230	HB 349	280	SB 72
181	SB 87	231	HB 385	281	HB 136
182	SB 90	232	HB 393	282	HB 137
183	SB 96	233	HB 406	283	HB 391
184	SB 114	234	HB 409	284	HB 561
185	SB 122	235	HB 427	285	HB 610
186	SB 128	236	HB 429	286	HB 720
187	SB 146	237	HB 434	287	HB 107
188	SB 149	238	HB 458	288	HB 193
189	SB 174	239	HB 485	289	HB 211
190	SB 209	240	HB 493	290	HB 282
191	SB 222	241	HB 513	291	HB 299
192	HB 54	242	HB 542	292	HB 353
193	HB 205	243	HB 544	293	HB 680
194	HB 242	244	HB 547	294	HB 727
195	HB 271	245	HB 548	295	HB 736
196	HB 311	246	HB 571	296	HB 757
197	HB 348	247	HB 617	297	SB 38
198	HB 559	248	HB 637	298	SB 225
199	HB 653	249	HB 660	299	HB 1
200	HB 692	250	HB 683	300	HB 248

TABLE OF REFERENCES (cont.)

Chapter	Bill	Chapter	Bill	Chapter	Bill
301	HB 324	331	HB 577	361	HB 250
302	HB 327	332	HB 611	362	HB 322
303	HB 443	333	HB 613	363	HB 325
304	HB 579	334	HB 619	364	HB 416
305	HB 608	335	HB 622	365	HB 451
306	HB 652	336	HB 627	366	HB 486
307	HB 688	337	HB 648	367	HB 509
308	HB 691	338	HB 674	368	HB 515
309	HB 700	339	HB 713	369	HB 517
310	HB 742	340	HB 751	370	HB 532
311	HB 768	341	HB 761	371	HB 560
312	HB 25	342	HB 771	372	HB 576
313	HB 62	343	SB 22	373	HB 581
314	HB 131	344	SB 126	374	HB 595
315	HB 203	345	SB 181	375	HB 709
316	HB 274	346	SB 182	376	HB 607
317	HB 286	347	SB 191	377	HB 633
318	HB 323	348	SB 208	378	HB 669
319	HB 328	349	HB 143	379	HB 745
320	HB 334	350	HB 330	380	HB 780
321	HB 341	351	HB 35	381	HB 784
322	HB 352	352	HB 41	382	SB 42
323	HB 363	353	HB 40	383	SB 83
324	HB 461	354	HB 64	384	SB 97
325	HB 462	355	HB 65	385	SB 151
326	HB 488	356	HB 104	386	SB 180
327	HB 502	357	HB 142	387	SB 195
328	HB 523	358	HB 161	388	SB 206
329	HB 563	359	HB 171	389	HB 603
330	HB 572	360	HB 210	390	HB 75

